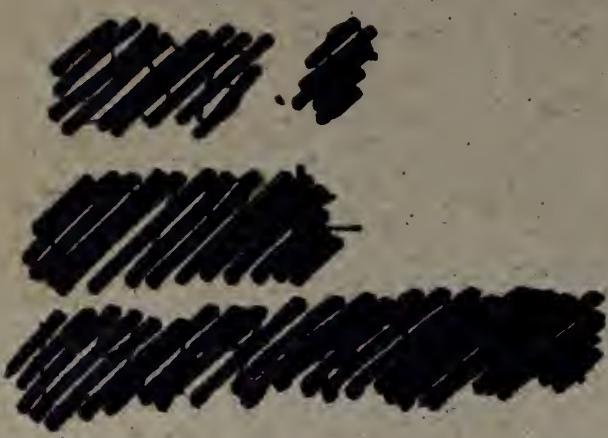


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THE CHARTER,

GENERAL ORDINANCES, &c.,

— OF THE —

**City of Evansville,**

COMPILED AND PUBLISHED

BY AUTHORITY OF

THE COMMON COUNCIL

OF SAID CITY.

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EVANSVILLE:  
EVANSVILLE COURIER, STEAM BOOK AND JOB PRINT.  
1871.

# OFFICERS OF THE CITY:

1870-71.

## MAYOR:

WILLIAM BAKER.

## COUNCILMEN:

<i>First Ward</i> .....	AUGUST ELLES.
<i>Second Ward</i> .....	E. G. VAN RIPER.
<i>Third Ward</i> .....	M. MUEHLHAUSEN.
<i>Fourth Ward</i> .....	HENRY RICHARDT.
<i>Fifth Ward</i> .....	W. CARPENTER.
<i>Sixth Ward</i> .....	CHARLES SCHAUM.
<i>Seventh Ward</i> .....	THOMAS KERTH.
<i>Eighth Ward</i> .....	WM. HEILMAN.
<i>Ninth Ward</i> .....	C. A. DOUGHTY.

## CLERK:

WM. HELDER.

## RECORDER:

NATHAN WILLARD.

## COLLECTOR:

WM. MAYNARD.

## TREASURER:

SAMUEL BACHARACH.

## MARSHAL:

CHRIS. WUNDERLICH.

## SURVEYOR:

JAS. D. SAUNDERS.

## SCHOOL TRUSTEES:

C. LAUENSTEIN.

WM. F. PARRETT.

H. W. CLOUD.

SUPERINTENDENT OF PUBLIC SCHOOLS.

A. M. GOW.

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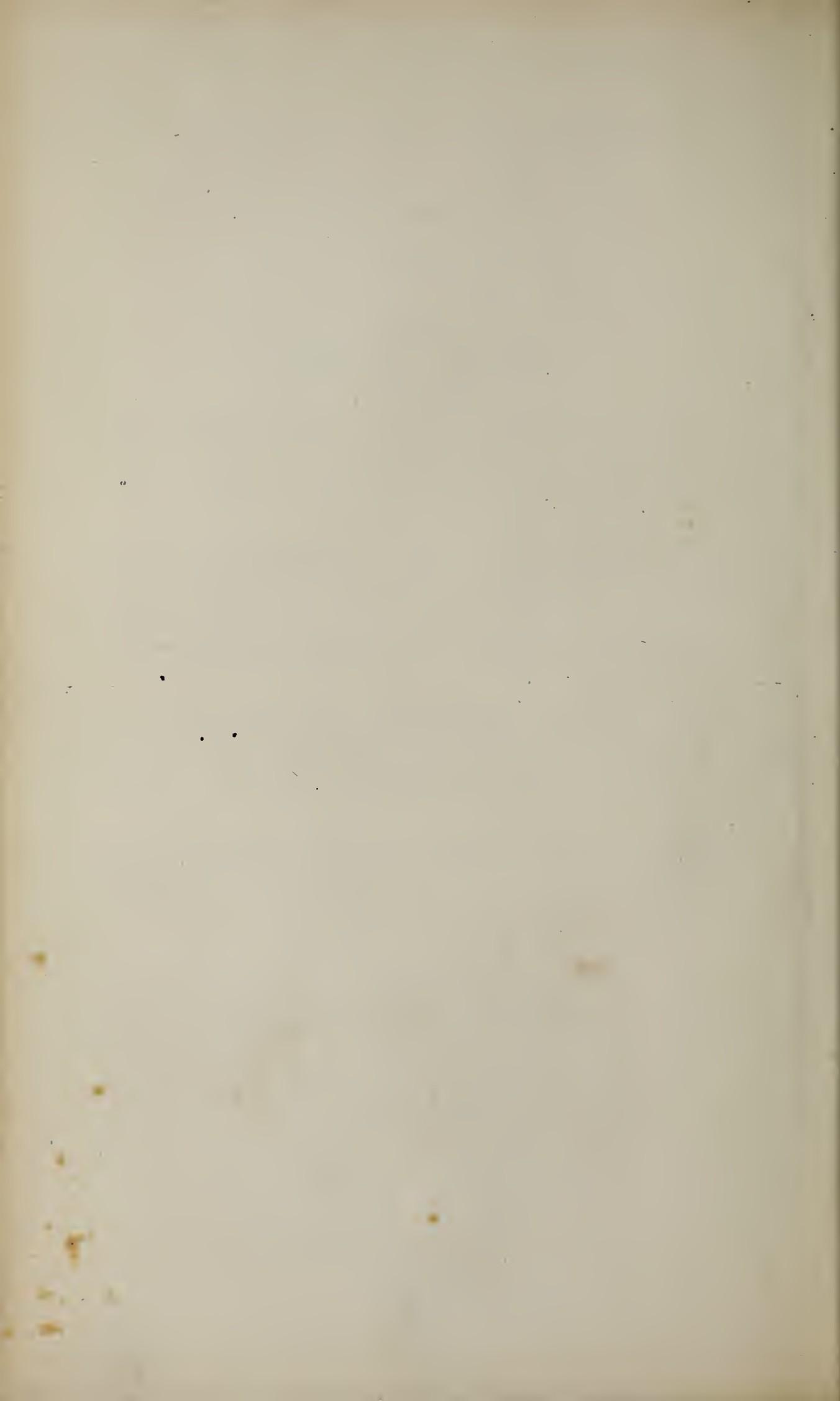
Original manuscript 1871, 1877, 1901 (34)

THE original Charter of the City of Evansville was passed January 27th, 1847, and in the schedule to the present Constitution of this State, this charter was, with other municipal charters, continued in force. The *fourth* clause of said scheduel is in these words:

“Fourth: All acts of incorporation for municipal purposes shall continue in force under this Constitution until such time as the General Assembly shall, in its discretion, modify or repeal the same.”

The following pages contain the original charter of the city, and subsequent enactments in modifications thereof; the intention being to present the charter as it now is.

323313



## AN ACT

*Granting to the Citizens of the Town of Evansville, in the County of Vanderburgh, a City Charter.*

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APPROVED JANUARY 27, 1847.

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(SEE LOCAL ACTS OF 1846—7, PAGE 3.)

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SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boundaries of the city of Evansville shall be the same as the boundaries of the present town of Evansville, omitting Goodsell's Enlargement of said town; that is to say, the bounds of said city shall include all the territory embraced within the original plan of said town, as the same is recorded in the Recorder's office of Warrick County, and all the territory embraced within the following enlargements of said town, viz: The Donation Enlargement, the Lower (or McGary's) Enlargement, the Upper Enlargement, and the Eastern Enlargement, according to the plats of said several enlargements, as made by the several proprietors of said enlargements, and recorded in the Recorder's office of Vanderburgh County\* and other territory may from time to time be annexed to and included within the bounds of said city, as herein-after provided.†

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\* The boundaries have been altered by the annexation of Lamasco and the addition of other territory—See appendix, A.

† As to annexation of territory, see Act of March 6, 1865 (amending Charter), Sec. 1, 2, and 3—post.

General  
powers of  
corpora-  
tion.

SEC. 2. From and after the first Monday in April, A. D. 1847, the people residing in the territory mentioned in the first section of this act shall become and be a body politic and corporate, by the name, style and title of "The City of Evansville," and in and by such name shall be able and capable in law and equity to contract and be contracted with, sue and be sued, complain and defend in any court of competent jurisdiction; they shall have power to make, have, and use a common seal, and the same to alter, destroy, and renew at pleasure; to take, purchase, hold, and convey such real and personal estate as the purposes of the corporation may require; to survey, mark, and establish the boundaries of said city, and all future enlargements of the same; to ordain, establish, enforce, and put in execution such rules, by-laws, ordinances, and regulations as shall be deemed proper and necessary for the good government of said city and the well-being of the inhabitants thereof, and generally to do all other acts and things which the good of the inhabitants of said city may require, not inconsistent with the Constitution of the United States or the Constitution and Laws of this State, and consistent with the objects of the corporation.\*

Powers  
in whom  
vested

SEC. 3. The powers of said corporation shall be vested in and exercised by a Mayor and Councilmen, to be elected by the qualified voters of said city, and such other and inferior officers, to be appointed by the Common Council,† as are hereinafter named, or as may from time to time be appointed by the Common Council, in pursuance of the rules, ordinances, and regulations to be made, ordained, and established as aforesaid.‡

\* See Act of December 21, 1865, and of March 11, 1867—post.

† See Acts of 1862—post.

‡ Mayor, Recorder, Clerk, Treasurer, Collector, Councilmen, Marshal, Street Commissioner, Surveyor, and Assessor made elective by the people. See Acts of 1852—post.

SEC. 4. The territory of said city shall be divided in- Division  
to six wards, as follows,\* viz: All that part of said ter- of terri-  
tory lying south and east of Walnut street shall be the tory into  
wards. First Ward; all that part of said territory lying be-  
tween Walnut and Locust streets shall be the Second  
Ward; all that part of said territory lying between  
Locust and Main streets shall be the Third Ward; all  
that part of said territory lying between Main and Syc-  
amore streets shall be the Fourth Ward; all that part  
of said territory lying between Sycamore and Vine  
streets shall be the Fifth Ward; and all that part of  
said territory lying north and west of Vine street shall Number of  
be the Sixth Ward; and each ward shall be represented council-  
by one Councilman, who shall reside therein, and shall men.  
be elected by the qualified voters of such ward.

SEC. 5. The Mayor shall be elected by the qualified voters of the whole city, and shall hold his office for the term of three years from the date of his election, and until his successor shall be elected and qualified, except where he is elected to fill a vacancy, in which case he shall hold his office until the expiration of the term for which his predecessor was elected, and until his successor is elected and qualified; and a Councilman shall hold his office for the term of one year, and until his successor is elected and qualified, except where he is elected to fill a vacancy, in which case he shall hold his office until the expiration of the term for which his predecessor was elected, and until his successor is elected and qualified. No person shall be eligible to the office of either Mayor or Councilman unless he is a freeholder of said city, and a qualified voter therein.† The Common Council may provide by ordinance for the payment of a stated salary to the Mayor and Councilmen: *Provided*, That for the first year after the organization of the corporation under this act, the salary

\* As to the power of the Council to alter the numbers and boundaries of the wards, see Act of February 4, 1848, Sec. 4—post.

† Altered; see Act of June 10th, 1852—post. No property qualifications required for any city office.

of the Councilmen shall not exceed fifty dollars each, nor that of the Mayor one hundred and fifty dollars, in addition to his fees as a judicial officer; nor shall any ordinance increasing the stated salary of Councilmen take effect until after the next general election of Councilmen after the passage thereof.

Elections,  
how and  
when held  
and qualifi-  
cations  
of voters,

SEC. 6. All elections shall be by ballot, and all elections (except elections to fill vacancies) shall be held on the first Monday in April annually.† A poll shall be opened in each ward for the reception of votes; and every free white male citizen of the age of twenty-one years, who has resided in this State one year, and in said city six months, and in the ward in which he offers his vote one month next preceding such election, shall be entitled to a vote in the ward in which he resides, and not in any other ward.‡

Penalty of  
fraudulent  
voting.

SEC. 7. Each qualified voter, according to the next preceding section of this act, shall be entitled to vote once, and no more, at each election, in his own ward. And if any person, being under the age of twenty-one years, shall vote or attempt to vote, or if any person shall vote or attempt to vote more than once, or shall knowingly vote or attempt to vote for a Councilman in a ward in which such person has not been a *bona fide* resident for one month next preceding such election, or shall designedly hand in two or more tickets folded together, or shall otherwise fraudulently vote at any election to be held in said city, or any ward thereof, every person so offending shall, for every such offence, forfeit and pay any sum of money not exceeding fifty dollars, to be recovered in an action of debt or case, in the name of the city of Evansville, and for the use and benefit of said city, before any court of competent jurisdiction; and every person against whom judgment

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† As to the power of the Council, in the regulation of times and places of holding city elections, see Act of February 4, 1848, Sec. 2, and of March 11th, 1867—post.

‡ As to qualifications of voters, see Acts of March 10th, 1852, April 23d, 1852, Sec. 2, June 10th, 1852, Sec. 2, March 11, 1867, Sec. 1, and May 13, 1860—post.

shall be rendered in any such action shall be incapable of voting or being elected to any office at any city election for three years next after the rendition of such judgment.\*

SEC. 8. The polls for all elections shall be opened between nine and ten o'clock A. M. and continued open until four o'clock P. M. and closed before five o'clock P. M. of the same day. Elections, when opened and closed.

SEC. 9. Every ticket handed in shall contain the name of every person intended to be voted for, either written or printed, and designate the office to which such person named is intended to be elected; and if any ticket designates more than one person as voted for for the same office, as to that office such ticket shall not be counted; but no ticket shall be lost for want of form, if the Judges and Inspectors of the Election can satisfactorily ascertain, from an examination of the ticket, the person voted for and the office intended.†

SEC. 10. It shall be the duty of the Common Council to designate some particular place in each ward ‡ for holding elections, which place may be changed from time to time as the Common Council may think proper. Places of election, how designated; and officers of election, how appointed.  
It shall also be the duty of the Common Council annually to appoint for each ward in said city, from among the qualified voters of such ward, an Inspector of Elections, who shall hold his office until a successor is appointed, and whose duty it shall be, on every day when an election is to be held, to attend at the proper place for holding elections in his ward, and take to his assistance, previous to opening the polls, two qualified voters of his ward, who, together with himself, shall constitute the Judges of the Election then about to be held in such ward, which Judges shall appoint two

\* See note on preceding section as to qualification of voters, and also, Act of June 14, 1859, Sec. 59, as to punishment of illegal voting, Gavin & Hord, Vol. 11, page 473.

† See Act of March 11, 1867, Sec. 13—Acts of 1857, page 120.

‡ See Act of February 4, 1848, and of March 11, 1867—post.

suitable persons Clerks of said election; and said Inspector, Judges, and Clerks shall, before entering upon the discharge of their duties, take an oath (which may be administered by the Inspector to the Judges and Clerks, and by one of the Clerks to the Inspector) faithfully and impartially to discharge the duties assigned them.<sup>||</sup>

Inspectors  
now ap-  
pointed  
when pre-  
vious ap-  
pointee is  
absent.

SEC. 11. Should the regular Inspector of any ward fail to attend and open the polls by ten o'clock A. M. of any day on which an election is to be held in his ward, or if, after having opened the polls, he should from any cause be unable to remain and continue to discharge his duties as Inspector, then it shall be lawful for the qualified voters of such ward present to appoint, *viva voce*, and by a plurality of voices, an Inspector for the occasion, who shall be governed in all things by the same rules as the regular Inspector.

Poll-  
books,  
how made  
out; elec-  
tion, how  
opened.

Duties of  
officers in  
receiving  
votes

SEC. 12. It shall be the duty of the Clerk of the Common Council, before the day of the election, to make out and, on request, to deliver to the Inspector of each ward a poll-book for such ward, together with suitable tally papers. Every election shall be held at the particular place in each ward designated by the Common Council; and before receiving any votes, the

Inspector shall proclaim, or cause it to be proclaimed aloud, without the house, that the polls are opened.

The polls being opened, the Judges and Inspector shall proceed to receive the votes, and when a vote is presented, the Inspector shall call out the name of the voter, and if there be no objections, and he be a qualified voter, the Inspector shall receive his ticket, and, in the presence of the other Judges, put it in the ballot-box, and the Clerks of said election shall record the name of every person voting upon their respective poll-books, numbering the names of the voters consecutively, as their votes are given.

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<sup>||</sup> See Act of May 13, 1869, Sec 7—post.

SEC. 13. If any Inspector or Judge of any election shall receive at such election the vote of any person who is known to such Inspector or Judge not to be a qualified voter, or if any Judge, Inspector or Clerk shall attempt to pry into or find out the name or names of any person or persons on any folded ticket prior to putting it in the ballot-box, or expose such ticket to the inspection of any other person, or place any mark on it with a view to identify it afterwards, he or they so offending shall, for every such offense, forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt, or, case, in the name and for the use of the said city of Evansville.

Misconduct of officers of election how punished.

SEC. 14. If any doubt arises as to the right of any person to vote, it shall be settled by the Judges and Inspector, who, in order to do so, may examine other witnesses, as well as the person offering his vote, or either, at discretion; the witnesses and the voter so examined being first sworn by the Inspector, who, when any person is sworn in relation to his own qualification to vote shall administer to him the following oath: "You do solemnly swear (or affirm) that you are, to the best of your knowledge, information and belief, not less than twenty-one years of age, that you have resided in this State one year, in this city six months, and in this ward one month next preceding this time, and that you have not voted at this election."\* And any person who shall be sworn by the Inspector, as in this section mentioned, and shall swear falsely and corruptly, shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished accordingly.

Right of persons offering to vote; how determined.

SEC. 15. When the polls are closed, the Inspector and Judges shall proceed to canvass and estimate the votes given. The canvass shall be public, and shall be commenced by a comparison of the poll-books or lists, and

Duties of officers in election canvassing vote

\* Altered; see Acts of 1852, March 11, 1867, and May 13, 1869—post.

a correction if any mistakes found therein, until they shall be made to agree. The tickets shall then be counted unopened, except so far as to ascertain that two or more tickets have not been handed in folded together, and if two or more tickets are found folded together, or attached to each other in such a manner as to present the appearance of but one ticket, and the Inspector and Judges are clearly of opinion that the same were handed in as one ticket, they shall be rejected and destroyed, then if the tickets shall be found to exceed in number the whole number of voters whose names are on the poll-books, they shall be replaced in the ballot-box and thoroughly shaken, and then one of the Judges shall publicly draw out and destroy so many unopened tickets as shall be equal to the excess. The tickets and poll-books being found or made to agree, the tickets shall then be taken out, one by one, by the Inspector, who shall open them and read aloud the name of each person on each ticket, and the office for which such person is voted for, and shall then hand it to one of the Judges, who shall string it on a thread. As the Inspector reads the tickets, each Clerk shall mark on a tally-paper the votes each individual shall receive and the office he is voted to fill.

How suc-  
cessful  
candidate  
declared  
elected,  
and certifi-  
cate of  
election;  
tie vote,  
how de-  
cided.

SEC. 16. When the votes are all counted and read off as aforesaid, the Inspector shall declare the person who has received the greatest number of votes for Councilman duly elected Councilman for that ward, and shall make and deliver to him a certificate to that effect, signed by the Inspector and attested by both the Clerks. But should two or more persons be found to have received an equal and the highest number of votes, then the Inspector and Judges shall determine by lot, in a fair and impartial manner, who of such persons shall be Councilman, and give him a certificate as aforesaid.

SEC. 17. In cases of election for Mayor, the Inspector and Judges of each ward shall make out and sign a certificate, stating in wards at full length the names of the several persons voted for for Mayor, and the number of votes received by each, which certificate shall be placed in the hands of one of the Judges or the Inspector who have signed the same; and on the Wednesday next succeeding such election, between 10 o'clock A. M. and 3 o'clock P. M., the Judges or Inspectors of the several wards holding such certificates shall meet at the Court House in Evansville, or such other place as may be designated by the Common Council, and compare their several certificates, and the person having the highest number of all the votes given, according to said certificates, shall be declared duly elected Mayor, and the said Judges and Inspectors shall give him a certificate accordingly; but should two or more persons be found to have received an equal and the highest number of votes, it shall be the duty of the Inspectors and Judges, convened as aforesaid, to determine by lot who of such persons shall be Mayor, and give him a certificate of his election under their hands as aforesaid.

SEC. 18. The Judges of every election shall complete the canvass of votes, and make out the certificates hereinbefore required to be made, by 4 o'clock P. M., of the day next succeeding the day of the election; and the certificate of the election of Councilman shall be delivered to him, or left at his usual place of residence within three days thereafter. Within the same period the Inspector of each ward shall leave one of the poll-books and tally papers of his ward with the Clerk of the Common Council, to be by him filed and preserved; and the other poll-book and tally paper with the tickets, shall be kept and preserved by the Inspector for the term of three months, subject at all reasonable hours of every day to the inspection of any voter in the city wishing to examine the same.

How votes  
for Mayor  
in the  
several  
wards to  
be can-  
vassed and  
result de-  
clared.

When cer-  
tificates of  
election to  
be made  
out and  
delivered;  
poll-books  
&c., how  
preserved.

Exemption from arrest on day of election.

**SEC. 19.** No qualified voter of the city shall be arrested within the city on the day on which an election is held in his ward, except for a crime or misdemeanor against the laws of the State, or an offence against the penal laws, ordinances or regulations of the city, made or ordained by the Common Council by authority of this act.

Bribery and other offences against purity of election how punished.

**SEC. 20.** If any person shall use any threats, force or violence, or attempt to awe, or by any other means restrain any voter in his freedom of choice, or if any person shall give any bribe, fee or reward, in meat, drink, or otherwise, in order to induce any voter to vote contrary to his inclination, or shall on the day of election, give any public treat in meat or drink, or direct any person to do so in his behalf, with a view to obtain any vote or votes for himself, or any other person or persons, every person so offending shall forfeit and pay any sum not less than fifty dollars, nor more than one hundred dollars, to be recovered in an action of debt, or on the case, in the name and for the use of the city of Evansville, before any court of competent jurisdiction.

Misconduct of officers of election how punished.

**SEC. 21.** If any Judge, Inspector or Clerk of an election, having taken upon himself the performance of the duties herein required of him, shall willfully or fraudulently neglect or refuse to discharge the same, or shall be guilty of any fraud or corruption in doing such duties, he shall forfeit and pay any sum of money not exceeding one hundred dollars for every such wrongful act of commission or omission, to be sued for and recovered in an action of debt, or on the case, in the name and for the use of the city of Evansville, before any court of competent jurisdiction.

Ballot-boxes, how furnished and preserved.

**SEC. 22.** The Common Council shall cause a sufficient number of ballot boxes to be provided and deposited with the Clerk, who, when an election is about to take place, shall deliver one of said boxes to the Inspector of

each ward, who, after the election is concluded, shall return the same to the Clerk at the same time he delivers to the Clerk the poll-books and tally papers.

SEC. 23. Every Mayor and Councilman, before entering upon the discharge of his duties as such, shall take an oath before some competent authority faithfully and impartially to discharge his duties, which oath shall be certified on the certificate of his election.

SEC. 24. The Mayor and Councilmen, elected and qualified as herein required, shall constitute the Common Council of the city of Evansville, but a majority of the whole number of Councilmen shall be at all times necessary to constitute a quorum for the transaction of business. They shall be judges of the election returns, and of the qualifications of their own members: shall determine the rules of their own proceedings, and keep a record thereof, which shall be open to the examination of every citizen, and may compel the attendance of absent members of the Council, in such manner and under such penalty as they shall by by-law or order establish and prescribe. The Mayor, when present, shall preside at all meetings of the Common Council, and in case of a tie on any question or proposition, shall give the casting vote, except that in making laws and ordinances he shall have no vote, under any circumstances, nor in any other case, except where there is a tie. In the absence of the Mayor, the Councilmen shall elect one of their own body to preside for the time being, who, as President, shall possess the same power as the Mayor, while acting in that capacity, and the additional power of voting on all questions, whether there is a tie or not.

SEC. 25. It shall be lawful for the Mayor and Common Councilmen, respectively and individually, at any time after being elected and qualified as aforesaid, to

enter upon their respective duties; *Provided*, That if any Mayor or Councilman elect shall fail, for the space of thirty days after his election, to qualify himself to enter upon the discharge of his duties, such neglect shall be deemed and taken to be a refusal to qualify, and a renunciation of the office to which he was elected.

*Meetings of Council, notice of called meetings.* SEC. 26. The Common Council shall annually meet on the Second Monday in March, and at such other stated times as by resolution, by-law or ordinance they shall appoint, and meetings of the Common Council may be called at any time by the Mayor, or, in his absence, by a majority of the Councilmen, and the Common Council, when met, may adjourn as well to any other time as to the regular time for a stated meeting, but in all cases of called meetings, notice thereof shall be given to each Councilman in writing, personally served, if practicable, or left at his usual place of residence; *Provided*, That where a meeting is called by the Councilmen, it shall not be necessary to notify the Councilmen calling the same. If a quorum of Councilmen do not attend at any time and place appointed for a meeting, whether regular or called, it shall be the duty of the Clerk to adjourn such meeting from day to day until a quorum shall attend, or to the next regular time of meeting, or to any particular time prior thereto,

*Record to be kept; Clerk how appointed; his oath, bond and duties.* as circumstances may require. The Common Council shall keep a full and fair record of all their proceedings, and for this purpose shall appoint some person not of their body a Clerk, who, before entering upon the discharge of his duties as such, shall take an oath of office, and give bond with security, to the acceptance of the Common Council, to secure the proper performance of his duties.\* The Clerk shall attend all meetings of the Council, and make and keep a record of their proceedings; and the minutes of the proceedings of each

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\* See Acts of 1852—post.

meeting being recorded, shall be read over in the presence of the Council, and if incorrect, corrected; and when found correct, or made so, shall be signed by the Mayor, or other presiding officer of the meeting, and attested by the Clerk, or other person acting as such.

SEC. 27. It shall also be the duty of the Clerk to safely keep and preserve all records, books, and papers belonging to the city of Evansville, and appertaining to or deposited in his office, entire and without injury or mutilation, and to hand them over, together with all other property of said city in his hands, to his successor, and to do and perform all other things and duties that he may be required to do by the by-laws, ordinances, rules, and regulations to be passed, ordained and established by said Common Council. This act shall be deemed and taken to be a public act, and as such may be read as evidence in any Court, without being pleaded or particularly referred to in pleading; and the printed by-laws and ordinances passed and ordained by said Common Council, purporting to be printed by the order and under the authority of said Common Council, shall be received and read in all Courts as *prima facie* evidence, without being specially pleaded or referred to in pleading; and transcripts of the records and proceedings of the said Common Council, certified by the Mayor, under the corporate seal, shall be evidence in all Courts, in like manner as the original would be, without other proof or authentication than such certificate and seal.

Clerk to  
preserve  
books,  
and de-  
liver same  
to his suc-  
cessor,  
and per-  
form  
other du-  
ties re-  
quired by  
Council.

This act a  
public act.  
Printed  
by-laws  
and ordi-  
nances,  
and certi-  
fied copies  
evidence.

SEC. 28. The Mayor and each Councilman shall present to the Clerk, at the first meeting of the Common Council they may attend after being elected, their certificates of election, which, with the endorsements of qualification thereon endorsed, shall be spread at full length upon the records.

Certifi-  
cates of  
election to  
be record-  
ed.

SEC. 29. If the Mayor shall remove from and reside out of the city, except temporarily, and not exceeding

~~Officer of Mayor and coun-~~ six weeks at one time, his office shall thereby become and be vacant, and if any Councilman shall remove from and reside out of the ward which he was elected to represent, except temporarily, and not more than six weeks at one time, his office shall thereby become and be vacant; and in case of a vacancy by death, removal, resignation, or refusal to qualify, or any other means whatsoever, in the office of Mayor or Councilman, such vacancy shall be filled by a special election to be held at such times as shall be appointed by the Common Council, of which due public notice shall be given by publication in a newspaper, or in such other manner as the Common Council shall order, and such special election shall be conducted in all respects as regular annual elections.\*

~~Council to control finances, etc. of city.~~ SEC. 30. The Common Council shall have the control and management of the finances and of all the property real and personal, belonging to said city, and shall have full power and authority, for and within said city, to make, establish, publish, alter, modify, amend and repeal by-laws, ordinances, rules and regulations, for the following purpose and on the following subjects, to-wit:

~~To pro-~~ ~~hibit gam-~~ *First.* To restrain and prohibit all kinds of gaming, and every kind of fraudulent or immoral practice or device within said city.

~~To pro-~~ ~~hibit the sale of in-~~ *Second.* To restrain and prohibit the selling or bartering of any spirituous liquors or ardent spirits, or beer, porter, ale, cider, or wine, drank in or about the house, store, shop, grocery, out-house, yard, or garden of the person selling the same, unless licensed to do so according to the by-laws and ordinances passed and ordained by said Common Council.†

~~To pro-~~ ~~hibit the sale of in-~~ *Third.* To restrain and prohibit the selling, bartering, or giving away of any ardent spirits or intoxicating liquors to any person already intoxicated, or who may

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\*See Act of April 23, 1852, Sec. 3—post.

†See License Law of March 3, 1859, Sec. 16, and Act of March 6, 1865, Sec. 4—post.

be known to be in the habit of getting drunk, or to any <sup>and drunkards</sup> person less than twenty-one years of age, without the consent of his or her parents, guardian, master, or mistress.†

*Fourth.* To prohibit all shows, exhibitions, and amusements which, in the opinion of the said Common Council, are demoralizing to society, or calculated to detract from the peace and good order of said city,

*Fifth.* To prevent drunkenness in the streets, public indecency and riot, noise, disorder, disturbance, and disorderly assemblies.

*Sixth.* To suppress and restrain disorderly houses of all kinds, whether taverns, groceries, coffee-houses, or any other kind of house, houses of ill-fame, billiard and other gaming tables, nine or ten pin alleys, and ball alleys, and to authorize the demolition and destruction of all instruments of gaming.

*Seventh.* To compel the owner of any piece of ground, grocery, tallow chandlery, soap factory, tannery, stable, barn, privy, slaughter house, sewer or other place, to cleanse the same from time to time, as often as may be deemed necessary for the health, comfort or convenience of the inhabitants of said city, and to remove, abate or destroy the cause which renders such house or place unhealthy or uncomfortable.

*Eighth.* To direct the location of all powder houses, slaughter houses, tallow chandlers, shops, soap factories, distilleries, and all other houses, factories and shops, that may detract from the health or comfort of the inhabitants of said city, and if thought necessary, to prohibit altogether the erection or continuance of all or any such shops, factories, houses, and establishments within the limits of said city.

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† See License Law of March 3, 1859, Sec. 16, and Act of March 6, 1865, Sec. 4—post.

To regulate keeping gunpowder etc.

*Ninth.* To regulate the keeping and conveying of gunpowder, and all other combustible and dangerous materials, and the use of candles and lights in barns and stables.

To prevent improper use of horses, etc., in streets.

*Tenth.* To prevent horse-racing and immoderate riding or driving of horses or other animals in the streets, and to prohibit persons having the charge of horses or mules from leaving them in the streets while in gears, without first unfastening or unhitching the chains, traces, or yoke by which they draw or hold up the tongue or shafts of the dray, wagon, cart, sled, carriage, buggy, hack, coach, gig, or other vehicle or carriage to which any such horse or mule may be hitched or attached, or without by some other means securing such horses or mules so that they cannot run away with any such vehicle or carriage.

To prevent encumbering lanes, alleys, sidewalks, wharves, landings, market places, and public grounds and buildings with carriages drays, carts, boxes, barrels, lumber, timber, fire-wood, coal, or any other substance or material whatsoever, and to prohibit persons from trespassing upon or injuring public grounds and buildings, and from riding, leading, hauling, or driving animals, wagons, carts, drays, carriages, and other things upon, along, or across sidewalks, or in any other manner injuring the same, and from digging up the streets, alleys, lanes, landings, wharves and public commons, or in any other wise unnecessarily injuring the same.

To regulate bathing in river, &c.

*Twelfth.* To regulate and determine the times and places of bathing and swimming in the Ohio river and Pigeon creek, and in the canal, and to prohibit bathing and swimming in the Ohio river opposite said city, and within one-half mile above and below the limits thereof, and in Pigeon creek within half a mile of the limits of said city, and in the canal within said city, and within half a mile beyond the limits thereof, if the Common Council shall deem it proper to prohibit the same.

*Thirteenth.* To restrain and punish vagrants, mendicants, street beggars, and common prostitutes. To restrain vagrants, &c.

*Fourteenth.* To restrain, regulate or prohibit the running at large of cattle, horses, swine, sheep, goats, geese, ducks, turkeys, chickens, and other animals, and to authorize distraining, impounding and selling the same for the penalty incurred and costs of proceeding. To regulate the running at large of animals, &c.

*Fifteenth.* To prevent, restrain and regulate the running at large of dogs and bitches, and to authorize the destruction of the same when at large contrary to the by-laws and ordinances of the city. Dogs, &c.

*Sixteenth.* To prohibit all persons from bringing, depositing, or keeping within the limits of said city, or within one-half mile thereof, any dead carcass or other offensive or unwholesome substance, and to require and compel the destruction or removal thereof by any person who shall be the owner thereof, or by his own act or consent have the same upon or near his premises, whether the same be a dead animal or any part of one, putrid or unsound beef, pork, hides, fish, or skins of any kind, or other unsound or unwholesome substance whatever, and on the default of such person, to authorize the destruction or removal thereof at his expense, by the proper officer or person. To prohibit and abate nuisances.

*Seventeenth.* To prohibit the rolling of hoops, flying kites, playing at ball, or long bullets, shooting, or using firearms or fire-crackers, or unnecessarily using any other thing, instrument or practice, having a tendency to annoy, or endanger, or injure, or destroy persons or property within said city, or to frighten teams or horses within said city. To prohibit the flying of kites, &c.

*Eighteenth.* To compel all persons to keep the snow, mud, ice, and dirt, and trash of all kinds off the side-walks, and to clean and keep clean the gutters and streets in front of, and the gutters and alleys in the rear of the premises by them occupied or owned. To compel side-walks to be kept clean.

To pro-  
hibit dis-  
orderly  
noises.

*Nineteenth.* To prevent the disorderly blowing of horns, ringing of bells, crying of goods or other things, and all other unnecessary noises to the disturbance of the citizens.

To declare  
what shall  
be nui-  
sances and  
abate the  
same.

*Twentieth.* To abate and remove nuisances, and to declare what shall be deemed nuisances, and punishing by suitable penalties the person or persons causing or continuing the same, or suffering the same to remain on his, her, or their premises, or both abate and punish, at discretion; and for the purpose of declaring what shall be deemed nuisances, and abating the same, or causing and compelling the same to be abated, and punishing persons for causing, continuing, or suffering the same as aforesaid, the Common Council shall have jurisdiction over both land and water one mile beyond the limits of the city in all directions.\*

To regu-  
late car-  
riers, run-  
ners, &c.

*Twenty-first.* To restrain and regulate carriers and runners to and from steamboats, canal boats, and stages.

To regu-  
late and  
license  
drays, &c.

*Twenty-second.* To regulate and license drays, wagons, carts, hacks, and carriages, which may be kept in said city to be hired or used for hire or reward.

To survey  
and estab-  
lish  
bounda-  
ries of  
streets, &c.

*Twenty-third.* To ascertain, by survey, and mark and establish the boundaries and limits of said city, and all enlargements thereof, and of the streets, alleys, lots and blocks therein.

To regu-  
late burial  
of dead.

*Twenty-fourth.* To regulate the burial of the dead, to purchase and provide common burying grounds, hearses, and other things necessary to burial, and appoint one or more sextons, and prescribe his or their duties.

To provide  
for bills of  
mortality.

*Twenty-fifth.* To provide for the keeping of bills of mortality, and returning the same at times and places appointed for that purpose, and to impose suitable fines or penalties upon physicians, sextons, and others for any default in keeping or returning the same.

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\*TWENTIETH, As to power of Council to drain swamps, &c., within two miles of the city. See Act of Jan. 15, 1850—post.

*Twenty-sixth.* To regulate gauging, the place and manner of selling and weighing hay, the place and manner of selling and measuring or weighing wood for fuel, lime and coal, and to appoint suitable persons to superintend and conduct the same.

*Twenty-seventh.* To regulate the quality of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Twenty-eighth.* To make, establish and regulate public wells, cisterns, reservoirs and pumps, and to prevent the unnecessary waste of water.

*Twenty-ninth.* To provide for the furnishing of the said city and the inhabitants thereof with water.\*

To establish fire department.

*Thirty-fifth.* To prevent and guard against damage by fire; to purchase fire engines and fire apparatus; to organize fire companies, and regulate and govern the same, and to prescribe and regulate the duty and conduct of the members of fire companies, and of other persons, in relation to fires, and property removed into the streets or elsewhere, to prevent its destruction by fire.

Police.

*Thirty-sixth.* To regulate the general police of said city.

To compel attendance of members, &c.  
To appoint officers and prescribe their duties.

*Thirty-seventh.* To compel the attendance of the members of the Common Council; to appoint all officers and agents they may deem proper and necessary to carry into full effect the powers hereby conferred, and to prescribe their powers and duties and to require them, or any or either of them, to give bond, with security, for the faithful discharge of such duties, and all officers and agents so appointed shall hold their offices during the pleasure of the Common Council.

Fees and salaries.

*Thirty-eighth.* To regulate and establish and provide for the payment of the fees and salaries of all officers and agents by them employed.

To regulate streets street improvements, &c.

*Thirty-ninth.* To regulate the streets, alleys, and sidewalks, and all improvements and repairs thereof;\* and the said Common Council shall have the exclusive right and power of taxing persons residing in said city, and real and personal property situated therein, for the purpose of making such improvements and repairs, whether such improvements or repairs consist of grading, paving, ditching, or anything else; and no person residing in said city shall be compelled or required to work on any road without the city, nor shall any property lying or being within the city be taxed for the purpose of making, opening, improving, or repairing any road or bridge without the limits of said city: *Provided,* That nothing herein contained shall prevent

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\* See Act of March 6, 1865, in reference to railroads, &c.—post.

the Board of Commissioners of Vanderburgh County from making such appropriations of the revenue of the county as are or may be authorized by law for the building, purchase, or repair of bridges, either within or without said city.

*Fortieth.\** To take stock in any chartered company <sup>To take stock in road and other companies.</sup> for making roads to said city, or for watering said city, and in any company authorized or empowered by the Board of Commissioners of Vanderburgh County, to build a bridge on any road leading to said city; and to establish, maintain, and regulate ferries across the Ohio River from the public wharves of said city: *Provided*, That no stock shall be subscribed or taken by the Common Council in any such company, unless it be on the petition of two-thirds of the residents of said city, who are freeholders of the city, distinctly setting forth the company in which stock is to be taken, and the number and amount of shares to be subscribed: *And provided, also*, That in all cases where such stock is taken, the Common Council shall have power to borrow money, and levy and collect a tax on all real estate (either inclusive or exclusive of improvements, at their discretion), for the payment of said stock.†

*Forty-first.* To borrow money for the use of the city <sup>Borrow money.</sup> of Evansville.

*Forty-second.* To lay out, open and make new streets and alleys, highways, and wharves, and to alter, contract, widen, or discontinue any street, alley, or public wharf now made or hereafter to be made in said city, subject to the rules and regulations hereinafter contained. <sup>To lay out streets etc.</sup>

*Forty-third.* To prohibit or permit and regulate the sale of horses and other animals, and merchandise, and all other kinds of property, real or personal, at auction in the streets, stores, shops, or elsewhere within <sup>To regulate and license auctioneers.</sup>

\*Amended; see Act of December 21, 1865, Sec. 1, and of March 11, 1867—post.  
†**FORTIETH.** As to Evansville and Illinois Railroad Company, see Act of 1849—post.

the city, and to appoint and license auctioneers, and regulate their conduct.

Wharves  
and whar-  
fage.

*Forty-fourth.* To regulate all wharves on the shore of the Ohio River in front of or adjoining said city, whether the same be public or private, and the amount of wharfage to be charged at or for the use of the same.

To levy  
revenue.

*Forty-fifth.* To levy and collect a revenue for the use of the city of Evansville, in the manner hereinafter prescribed.

Robbers,  
&c.

*Forty-sixth.* To prevent injuries to the inhabitants of the said city, or their property, from thieves, robbers, burglars, and all other persons violating the public peace.

Board of  
health.

*Forty-seventh.* To establish a Board of Health for said city, and to invest it with such powers and impose upon it such duties as may be deemed necessary or proper to preserve the health of said city, and to secure the inhabitants thereof from the evils, distress, and calamities of contagious, infectious, or malignant diseases, by the adoption and execution of such rules, orders, and regulations as may be deemed by such Board of Health proper to prevent the commencement, continuance, or spread of any such disease; to provide for the proper organization of such Board of Health, and the election or appointment of the officers thereof, and to make such by-laws and rules for its government and support as shall be required for the prompt performance of its duties and the lawful exercise of its powers.

City  
watch.

*Forty-eighth.* To establish, organize, and maintain a city watch, and define the powers and prescribe the duties thereof.

Taverns,  
groceries,  
&c.

*Forty-ninth.* To regulate all taverns, groceries, coffee-houses, and ale and porter shops, houses, and cellars, and all other houses and places where beer, ale, porter, wine, or cider is sold by retail, or where spirituous liquors are sold by a less quantity than a quart, and all other houses of public entertainment in said city, and all theatrical exhibitions and concerts, and all exhibi-

tions of whatever name or nature to which admission is obtained by the payment of money, or any other reward,\* and to regulate all ferries across the Ohio River from said city, or from in front thereof to the opposite shore.

*Fiftieth.* The said Common Council shall have the <sup>Licenses.</sup> exclusive power to grant licenses to tavern-keepers, inn-keepers, retailers of spirituous liquors by a less quantity than a quart, keepers of ale, porter, cider, and wine shops, houses, and cellars, and all other houses and places of public entertainment; and showmen and keepers and managers of theatrical exhibitions, concerts, menageries, circuses, and all other exhibitions for money or other reward; and auctioneers, keepers of ferries across the Ohio River, from or from in front of said city; and persons vending, at retail, goods, wares, merchandise, or personal property of any kind or description, at or upon boats or water crafts of any kind lying in the canal within said city, or in the Ohio River between said city and the middle of said river, whether such boat or water craft be resting upon or in anywise fastened to the shore or bottom of the river, or floating and anchored, or otherwise made stationary in the river; and in granting such licenses as by this act the Common Council are authorized to grant, said Common Council shall charge such sum or sums of money as they may think fit and reasonable, and annex to such licenses such terms and conditions as in their opinion the peace, good order and general interests of the city may require; and if any person so licensed shall be convicted of violating any such condition, or suffering it to be done by any person in his employ, whether such conviction be upon information and proceedings had thereon to prove and establish such violation only, or in an action brought to recover the penalty prescribed for such violation, the Mayor, or other officer acting as such, shall have full

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\* See License Law of March 5, 1859, Sec. 16, and Act of March 6, 1865—post.

power and authority to suspend, for a limited time, or wholly annul such license, and enter up judgment accordingly.\*

*Construction of chimneys.* **Fifty-first.** To regulate and prescribe the manner of the construction of chimneys, fire places, stove pipes and hearths, and to compel the alteration of such as are improperly constructed, and to make and enforce all such rules, by-laws and ordinances as may be proper or necessary to prevent the destruction of property by the careless or improper use of fire and lights, or by improperly or carelessly placing hay or any other highly combustible substance so near to a chimney, fire place or stove, or other place where fire is kept or used, as to make it liable to be burned; and in order to enforce such rules, by-laws and ordinances, the Common Council shall have power to appoint fire wardens, and define their powers and prescribe their duties.

*Obedience to ordinances, how enforced.* **SEC. 31.** Obedience to and observance of all rules by-laws, ordinances and police regulations made in pursuance of this act, shall be enforced (except as herein otherwise provided) by imposing suitable penalties upon the person or persons violating the same, to be recovered, together with the costs of suit, in an action of debt, or an action on the case, in any court of competent jurisdiction.

*Ordinances how published, and when in force.* **SEC. 32.** Unless otherwise provided by the Common Council, every ordinance, by-law or police regulation of a general nature, or effecting the whole city, or relating to the conduct of the people generally, and imposing any penalty or forfeiture for a violation of its provisions, shall take effect and be in force from and after its publication in a newspaper printed and published in the city; but until it is so published at least once, no such ordinance, by-law or regulation shall under any circumstances take effect or be in force, and the affidavit of the printer or publisher of any such newspaper, made before any officer

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\*See License Law of March 5, 1859, Sec, 16, and Act of March 6, 1865—post.

authorized to administer oaths, and filed with the Clerk of the Common Council, shall be sufficient evidence of the fact of such publication, and the time, place and manner thereof, and the Common Council shall cause to be entered on their record, at the conclusion of each and every such ordinance, a statement of the fact that the same has been published as aforesaid; and the time of such publication, and the printed statement immediately after the title or at the conclusion of any such ordinance, by-law or regulation, purporting to be printed by authority of said Common Council, of the fact that the same was published and took effect, or was in force at a particular time, shall be *prima facie* evidence in all courts of such publication, and the time such by-law, ordinance or regulation took effect. All other laws, ordinances, rules, regulations and orders shall take effect and be in force from and after their passage, unless otherwise directed by the Common Council.

SEC. 33. All actions brought to recover any penalty incurred under this act, or the ordinances, by-laws, rules and regulations made in pursuance thereof, shall be brought in the name of "The City of Evansville," and all fines and penalties, when collected, shall be paid into the treasury of said city: The first process in every action shall be a warrant or writ, commanding the proper officers to arrest the defendant or defendants in such action, and bring him, her or them forthwith before the Mayor, or such other person as may at the return of such writ be acting as Mayor, then and there to answer the charge made against such defendant or defendants in such action: The trial of any such action may be postponed, if justice require it, but in such case the defendant may be required to give bail in a reasonable sum to appear at the time and place appointed for the trial, and not depart without leave, and in default of giving such bail when required as aforesaid, the defendant shall be committed to prison by order of the Mayor or other officer acting as such, there to remain until the time fixed for

Actions,  
how  
brought;  
penalties,  
how col-  
lected and  
applied;  
process,  
bail and  
practice  
under  
charter.

the trial, unless before that time such bail be given : The bail bond or recognizance to be taken for the appearance of every such defendant, shall be taken and approved by the Mayor or other person acting as such, and shall be made payable to the City of Evansville, and the money therein specified may be sued for and recovered in the name and for the use of said city, if the condition or conditions thereof shall be broken. Where judgment is entered against any defendant for any penalty or forfeiture above in this section specified, it may be made a part of the judgment that the defendant stand committed until the judgment and costs are paid or replevied, and the defendant shall be committed to prison accordingly ; or judgment may be entered and execution enforced as in ordinary actions of debt or assumpsit before justices of the peace, and all such judgments on the Mayor's docket may be replevied by giving sufficient security to the satisfaction of the Mayor or other person acting as such, in the same manner that judgments in civil cases on the dockets of justices of the peace are or may be replevied, and after the stay of execution has expired, such judgments may be collected upon execution in like manner as justices' judgments are or may at the time be collected.

Competency of  
jurors,  
witnesses,  
&c.

SEC. 34. No person shall be incompetent as a judge, juror or witness in any action in which said city is a party or interested, by reason of such person's being an inhabitant, citizen or freeholder of said city.

Power to  
levy and  
collect tax.

SEC. 35. For the purposes of revenue, the Common Council shall have power to levy and cause to be assessed and collected, once in each year, an *ad valorem* tax upon all property, real and personal, within said city, and on all money and capital within said city, which is or may be subject to taxation for county purposes, whether such money or capital be actively employed or not, and on all money bearing interest and

payable to any inhabitant of said city;\* and also a poll tax of not exceeding one dollar upon every male inhabitant of said city of the age of twenty-one years or upwards, and sane and not a public charge as a pauper; also a specific tax on dogs and bitches; *Provided*, That such *ad valorem* tax shall not exceed three-fourths of one per cent. upon the value of the property, capital or money taxed; *Provided, also*, That in assessing such tax, the improvements or parts thereof on real estate, may be included or excluded at the discretion of the Council and a portion of said revenue, and all or part of the penalties to be collected under this act and the laws and ordinances made in pursuance of it, may be appropriated at the discretion of the Common Council, <sup>Appropriations for Schools.</sup> for the support of the common schools within said city.

SEC. 36. After the second Monday in April, and before the first Monday in May (or as soon thereafter as it can conveniently be done) in each year, the Common Council of said city shall appoint an assessor, who, before entering upon the discharge of his duties, shall take an oath to truly, faithfully and impartially discharge his duties as assessor, and also give a bond with freehold security, payable to the city of Evansville, and conditioned for the faithful discharge of such duties, which bond shall be to the satisfaction of and approved by the Common Council: *Provided*, That the Common Council may appoint more than one assessor if they deem it expedient to do so; and if more than one assessor be appointed, they shall act either in conjunction or severally, as the Common Council shall order or direct.†

SEC. 37. It shall be the duty of the assessor or assessors to proceed forthwith to make out a full and fair list or lists of all persons, and all real and personal estate, and all polls to be taxed, placing the names of persons in alphabetical order, setting opposite the name

\* See Act of March 6, 1865—post.

† See Act of March 10, 1852—post.

of each person the value of his or her personal estate subject to taxation, according to the thirty-fifth section of this act, and also a description of all lots and parts of lots owned or claimed by such person, and the value thereof, including improvements thereon, unless otherwise directed by the Common Council. He shall also, unless otherwise directed as aforesaid, make out a separate list of such of the following things as are taxable or required to be licensed according to the orders or ordinances of said Common Council, placing the names of the owners, keepers or managers thereof in alphabetical order, and placing opposite the name of each those things for which he or she is liable to pay tax or procure a license, that is to say: All dogs and bitches, carts, wagons, drays, hacks and carriages, taverns, inns, groceries, and other houses and places where spirituous liquors are sold by a less quantity than a quart, ale, porter, cider, beer, and wine shops, houses and cellars, and other houses and places of public entertainment, shows, menageries, circuses, theaters, concerts and other exhibitions for money or other reward, ferries, and boats or water crafts lying in the Ohio River or on the shore thereof, or in the canal, on or at which merchandise or personal property of any kind is sold at retail; which list shall be appended to and returned with the assessment roll; and the said assessment roll and list shall be completed and returned by the assessor to the Clerk of the Common Council by the first Monday in July next after the appointment of such assessor, unless further time be given him by order of the Common Council.\*

Assessor's  
duties.

SEC. 38. In order to ascertain the value of the personal estate taxable as herein before provided, it shall be the duty of the assessor to require each person owning, possessing or controlling the same, to state to him under oath, in writing or orally, (at his discretion, or as shall

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\* See act of March 7, 1857—post.

be ordered or required by the Common Council or their ordinances,) the value of each several kind or species of personal estate taxable as aforesaid, and belonging to, possessed or controlled by such person, according to the best of his knowledge, recollection and belief, which oath such assessor is hereby authorized to administer; and any person who shall knowingly and wilfully swear falsely when so sworn by any such assessor, shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly; and in case any person shall fail or refuse when called on for that purpose, to state to the assessor, under oath as in this section provided, the value of the personal estate taxable as aforesaid, and owned, possessed or controlled by such person, it shall be the duty of the assessor to affix, from the best information he can get, a fair valuation of the personal estate owned, possessed or controlled by such person, and the valuation so fixed may be increased by the Common Council, but they shall not decrease it, unless it shall appear that the assessor has intentionally and knowingly fixed such valuation too high.†

SEC. 39. The value of personal estate fixed under oath by the person owning, possessing or controlling the same, as provided in the thirty-eighth section of this act, shall be final and conclusive. Where any person owning, possessing or controlling personal estate is absent and cannot be found and required to state the value thereof under oath, the assessor shall fix the value thereof according to the best information he can get, and the value so fixed may be altered by the Common Council, either by increasing or decreasing it, if they think it incorrect, and the assessor shall note on the assessment roll opposite the names of such absent persons, the fact of such absence, and opposite the names of persons owning, possessing or controlling personal estate which has been valued by the assessor in conse-

Assessor's duties.

† See Act of March 6, 1865, (amending Charter,) Sec. 5, 6 and 7—post.

quence of the refusal to swear to the value thereof, the fact of such refusal, in order that the Common Council may know the personal estate the value of which they may alter.

Rate of  
tax when  
fixed.

SEC. 40. After the return of the assessment roll or rolls, and by the third Monday in July in each year, if such roll or rolls have been returned in time, (and if not then as soon thereafter as practicable), the Common Council shall fix the rate of tax to be levied on real and personal estate, and polls, dogs and bitches, and the amount to be charged for licenses of all kinds.\*

Clerk's du-  
ties as to  
assess-  
ment, as-  
essment  
roll and  
duplicate.

SEC. 41. It shall be the duty of the Clerk of the Common Council to calculate and carry out on said assessment roll or rolls, the amount of tax chargeable against each person named therein, and against each piece of property listed to persons unknown, according to the rate fixed in pursuance of the fortieth section of this act, and within one month† after the rate of taxation is fixed as provided in said fortieth section, said Clerk shall make out and deliver to the collector a complete copy or duplicate of such assessment roll or rolls, and also of the list of persons taxable for dogs, bitches and licenses, to which shall be annexed a precept signed by the Mayor, with the corporate seal of the city annexed thereto, commanding the collector to collect and make the taxes in such duplicate specified, by distraining and selling the goods, chattels, lands and tenements of each person therein named, for the taxes charged against such person, including the taxes on dogs and bitches; and also to collect the sums charged in the aforesaid list for licenses. But before such duplicate is made out, the Common Council shall appoint some time and place (of which notice shall be given by advertisement at least one week previously) to sit and examine said assessment roll or rolls, and while so sitting at the time and place appointed as aforesaid, the said Common

\* See Act of March 6, 1865, (amending Charter,) Sec. 5, 6 and 7—post.  
† See Act of March 7, 1857—post.

Council shall have power to correct all errors in said assessment roll, as to the names of persons, or as to the description or ownership of property, and clearly established mistakes of the assessor in stating the value of personal estate sworn to by any person, and errors as to the value of personal estate valued by the assessor in consequence of the absence of the person owning or having possession or control thereof, or in consequence of the refusal or failure of such person to swear to the value thereof, subject, however, to the provisions of the thirty-eighth section of this act; also, to equalize the valuation of real estate, by increasing or decreasing the valuation fixed in said assessment roll or rolls on any lot or lots, piece or pieces of ground mentioned therein; and for the purpose of making such corrections and equalization, the Common Council shall sit at least three days, and their presiding officer shall have power to swear and examine persons making complaint, as well as other witnesses, touching any alleged error.

SEC. 42. No irregularity as to the time of appointing <sup>Irregulari-</sup> an assessor, or making and returning an assessment roll, <sup>assess-</sup> or duplicate and precept, or appointing a collector, nor <sup>ment.</sup> any mere irregularity or informality in the appointment or qualification of any assessor or collector, shall effect the validity of any such assessment of taxes, or any duplicate or precept, or prevent the collection of such taxes.

SEC. 43. All taxes upon real estate shall, from the time the assessment roll is made out and completed, be a lien on such real estate to the same extent as judgments of Courts of Record, and continue a lien until such taxes are paid, and have a preference of all private claims, and all taxes on personal estate shall have a preference of all private claims.

SEC. 44. As soon as practicable after the assessment roll is made out and completed, the Common Council shall appoint some suitable person <sup>Collector, his ap-</sup> point-<sup>ment,</sup> bond, and <sup>Taxes, when and what ex-</sup> tent liens. <sup>deputies.</sup>

the revenue assessed, who, before the duplicate and tax list and precept are delivered to him, shall be sworn by some competent officer to faithfully discharge his duties as Collector, and also enter into bond, with freehold security to the acceptance of the Common Council, in a penal sum not less than twice the amount of the revenue by him to be collected, and conditioned for the faithful performance of his duties; and such Collector may appoint deputies, being responsible for their acts.

Duty of  
collector  
in collect-  
ing and  
paying  
over taxes.

SEC. 45. As soon as the tax duplicate and precept are placed in the hands of the Collector, he shall proceed forthwith to collect the revenue according to the mandate of the precept, and complete such collection, and pay over to the Treasurer the revenues so collected, and return such duplicate and precept to the Common Council, or their clerk, by the first Monday in November following the appointment of such Collector.\*

Vacancy  
in office of  
collector  
or assessor  
how filled.

SEC. 46. In case of the death, resignation, inability, or refusal of any Assessor to make or complete and return an assessment, or of any Collector to commence or complete the collection of the revenue, the Common Council shall appoint another Assessor or Collector (as the case may be), who shall be governed in all respects by the same rules as if he were the regularly appointed Assessor or Collector.

Taxes on  
personalty  
when col-  
lected and  
how.

SEC. 47. Taxes on personal estate, polls, dogs, and bitches may be collected by the Collector at any time prior to the second Monday of March next after his appointment, and also money charged in the list delivered to him for licenses; which collections, if made after the first Monday of November, shall be made upon and by virtue of a copy of his delinquent list, certified by the Mayor and attested by the Clerk, under the corporate seal, to which shall be attached a precept similar to the one required to be attached to the tax duplicate.

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\*See Act of March 7, 1857—post.

SEC. 48. The Common Council shall have full power <sup>Party walls.</sup> to regulate the building of party walls of stone or brick houses within the city, and the quality of materials to be used in such walls, and the depth below the surface of the earth at which such walls or the foundations thereof shall commence, and the thickness and length of such walls and the foundations thereof, and the height to which the same shall be built above the surface of the earth ; and in accordance with the by-laws and ordinances of the Common Council, passed in pursuance of this section of this act, it shall be lawful for any person or persons about to build any stone or brick house of any kind on any piece of ground within the city of Evansville, which is bounded on any side or end by the private property of any other person or persons, to build his, her, or their wall or walls on any line dividing his, her, or their ground from that which adjoins it as aforesaid, placing such wall lengthwise along said line, and one-half of such wall on each side of such line; and when any such wall shall be so built of brick or stone, of the height, depth, breadth, and thickness, and in the manner and of the quality of materials prescribed by such by-laws and ordinances, it shall be a party wall, and the persons owning the ground on either side thereof shall have the right to use the same in any lawful manner: *Provided*, That no person other than the person building such wall shall be compelled to maintain or keep the same in repair, or to pay any part of the expenses of building, repairing, or maintaining the same until such wall or some part thereof shall be used by such other person, by attaching another house to it, or making it constitute one side or wall, or part of one side or wall, of another house of some kind, erected on the ground adjoining that of the person who erected such wall ; and when any person other than the person who may have erected any such party wall may desire to use such wall by attaching another house of any kind to it, or by making such

Party  
walls.

party wall part of any such other house, or one wall or part of one wall of such other house, such person so desiring to use such wall shall first pay to the person or persons who built the same, or his, her, or their heirs and assigns, one-half of the full value of such wall, if the same be demanded by the person entitled thereto, personally, or by agent or attorney; and after such demand is made, no person shall attach any other house to such party wall, or proceed any further in erecting or finishing the same, or commence or proceed any further in erecting or finishing any such other house of which said party wall will in any wise form a part or one wall, or a part of a wall thereof without first paying to the person or persons who built such party wall, or his, her, or their heirs or assigns, one-half of the full value of such party wall; but after making such payment such party wall shall be the joint property of the persons owning the houses between which such party wall forms a partition; and the Common Council shall appoint three freehold citizens of the city surveyors to view and estimate the value of party walls, when the parties interested cannot agree; and such surveyors when requested to do so by any person interested, shall proceed to view and carefully examine any such party wall, and after such view and careful examination, to appraise and fix a value upon the same, which appraisement and valuation being made in writing, and verified by the affidavits of such surveyors, or a majority of them, shall be final and conclusive; but before such examination and appraisement, all the parties interested, or their agents, attorneys, or guardians, shall be notified, if practicable, of the time of making the same, in such manner as the Common Council shall prescribe by ordinance or by-law. The Common Council shall have power to make such rules for the government of such surveyors, in the discharge of their duties, as they may deem proper, not inconsistent with this act. Such surveyors, when so appointed, shall have and exercise all

the powers and perform all the duties of fence-viewers <sup>Party walls.</sup> within said city, and for their services shall be entitled to such fees as the Common Council shall by ordinance direct.\*

SEC. 49. All taxes shall be collected, if practicable, <sup>Taxes, when and how collected, and final settlement when made.</sup> and paid over to the City Treasurer by the first Monday of November of each year.† Taxes on polls, personal estate, and dogs and bitches remaining unpaid after that time shall be collected, as far as practicable, and paid over to the City Treasurer, by the second Monday in March following, at which time the Collector shall make a final settlement with the Common Council of his doings and business as Collector, unless further time shall be given him by the Common Council to any day between that time and the first Monday in the next April thereafter, in which case he shall make settlement at the time allowed and appointed therefor by the Common Council. When the duplicate and precept are placed in the hands of the Collector, he shall give public notice thereof, by advertisement, two weeks successively, in a newspaper printed and published in the city, stating also in said notice where his office is, and calling upon the people to pay their taxes. He shall not be required to make a demand of taxes from any person charged therewith, but shall keep his office open for the reception of taxes for one month next before the first Monday in October in each year, between ten o'clock A. M. and five o'clock P. M. of every day except Sunday, and at such other times as he may think proper. At any time after the first Monday in October the Collector may collect taxes on polls, personal estate, dogs and bitches by seizing and selling the goods and chattels of the persons whose taxes remain unpaid.

SEC. 50. After the first Monday in October, and by <sup>Sale of property for taxes, and notice thereof.</sup> the first Monday in November in each year,‡ the Collector shall make the taxes assessed on real estate either

\* Sec. 48, See Act of February 4, 1848. Sec. 4—post.

† See Act of March 7, 1857.

‡ See Act of March 7, 1857—post.

Sale of  
property  
for taxes,  
and notice  
thereof.

by the seizure and sale of the goods and chattels of the owner or claimant thereof or by selling the lot or piece of ground itself upon which the taxes remain unpaid, or so much thereof as may be necessary to pay such taxes and the cost of advertising and sale, giving six days' notice of the time and place of selling goods and chattels, by written advertisement set up in three of the most public places in the city (one of which shall be in the ward where the sale is to take place), and giving three weeks' notice of the time and place of selling real estate, by advertisement for three weeks successively in a newspaper printed and published in the city: *Provided*, That real estate so sold shall remain subject to any lien which the State or the county of Vanderburgh may have thereon for taxes, or by mortgage, judgment, or recognizance.

Real es-  
tate, how  
sold for  
taxes, and  
certificate  
of pur-  
chase  
thereof.

SEC. 51. In selling real estate for taxes, the Collector shall sell the least portion of any lot or piece of lot that any bidder will take and pay the taxes due thereon, with the costs of advertising and selling; and when any person shall bid for a less quantity than the whole lot, the Collector shall declare publicly the manner in which the lot or piece of ground shall be divided, and, if practicable, he shall so divide it as not to make it necessary to sell the same piece or part of lot for State or county taxes. Having made a sale of any real estate, the Collector shall make, acknowledge, and deliver to the purchaser a certificate thereof, particularly and accurately describing the property sold, the amount it was sold for, and stating the time within which it may be redeemed.\*

Collector's  
return of  
real estate  
sold for  
taxes.  
When and  
how real  
estate may  
be redeem-  
ed.

SEC. 52. It shall be the duty of the Collector to return to the City Treasurer, on or before the second Monday in November,† a statement of all lots and parts of lots sold for taxes by such Collector, giving in such statement the name of the person to whom each lot or piece

\* See Act of March 7, 1857—post.

† Sec. 51. Modified by Act of February 4, 1848, Sec, 3—post.

of lot sold was listed, the amount of tax and cost paid by the purchaser, and the day when the same was sold, and also a particular description of each lot or part of lot sold. And the owner or claimant of any lot or piece of lot sold as aforesaid, or any person on behalf of such owner or claimant, may redeem the same at any time within two years from the day on which it was sold, by depositing with the Treasurer aforesaid, for the use of the purchaser, the taxes and costs so paid as aforesaid, together with interest thereon at the rate of one hundred per centum per annum from the day of sale to the day of making such deposit and redemption.

SEC. 53. After the expiration of two years from the day on which any lot or piece of lot is sold for taxes, it shall be the duty of the Treasurer to endorse on the certificate of the sale thereof given by the Collector, on the application of any person holding the same, a statement of the fact that the lot or piece of lot mentioned in such certificate has not been redeemed; which statement or certificate of the Treasurer shall be by him acknowledged before some competent officer, and such certificate of the Treasurer, acknowledged as aforesaid, together with the certificate of the Collector, made and acknowledged as aforesaid, shall inure and have the effect to vest in the person who purchased the property therein described at the Collector's sale, or his heirs or assigns, from the day of such sale, an absolute and indefeasible title and estate in fee simple to and in the lot or piece of lot of ground in such certificate described, and shall be admitted to record in like manner and with like effect as other conveyances of real estate, and shall be conclusive evidence of the regularity of the Collector's sale, and shall not be set aside, annulled, or held invalid in any Court, except upon proof of one or more of the following facts, viz.: *First*—That the lot or piece of lot in such certificate described was not subject to be taxed; *Second*—That the taxes charged or prop-

What will  
Invalidate  
title.

erly chargeable thereon were actually paid to the Collector or his deputy, or tendered and refused before the sale; *Third*—That the same was redeemed as herein provided within two years from the day on which it was sold by the Collector.

Property  
released  
by pay-  
ment be-  
fore sale  
Surplus  
arising  
from sale  
how dis-  
posed of.

SEC. 54. At any time before the sale for taxes of any property real or personal, the owner or claimant thereof, or any person on his behalf, may release the same by paying the taxes due and costs so far accrued. And whenever any balance from the sale of goods and chattels, after payment of the taxes and costs for which the same were sold, shall remain in the hands of the Collector, he shall pay the same over to the proper person, if demanded, before he pays the same into the treasury; after which the Treasurer shall pay the same to the person entitled thereto, on demand; to enable him to do which the Collector shall give to the Treasurer, when he pays the same over, a statement of such balance and the owners thereof.

Collector's  
return,  
what it  
shall con-  
tain, and  
how veri-  
fied. De-  
linquen-  
cies to be  
added to  
new dupli-  
cate.

SEC. 55. In the returns of the Collector, to be made to the Common Council, or their clerk, on or before the first Monday in November, and on or before the second Monday in March, he shall state fully and accurately the aggregate amount of taxes and licenses by him collected and the aggregate amount of taxes remaining unpaid, and also the names of the defaulters and the amount due from each defaulter, and the reason why the sum due from each defaulter was not collected; and such returns shall be verified by the affidavit of the Collector; and to the tax list of any succeeding year it shall be lawful to add the taxes remaining unpaid for any year, and collect the same in the same manner as if they had been assessed during such succeeding year.

Appoint-  
ment,  
qualifica-  
tion, and  
duties of  
Treasurer.

SEC. 56. The Common Council shall appoint some discreet person City Treasurer,\* whose duty it shall be to receive, keep, and disburse all money and revenue be-

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\* See Act of March 10, 1852—post.

longing to the city of Evansville, or raised and collected by virtue of this act, or by virtue of the by-laws and ordinances made in pursuance of it. He shall keep accurate accounts, in such manner as shall be directed by the Common Council, of all moneys by him received and disbursed, and perform such other services as shall be required of him by the Common Council. Before entering upon his duties, every such Treasurer shall take an oath of office and give bond payable to the city of Evansville, with freehold security to the satisfaction of the Common Council, in a penalty not less than double the amount of money that may be likely to be in his hands at any one time, and conditioned for the faithful performance of his duties as Treasurer, and the faithful keeping, paying over, and accounting for all money and property that may come into his hands as Treasurer.

SEC. 57. All money that may be raised, recovered, received or collected for any tax, license, forfeiture, or penalty, or which may belong or be payable to the city of Evansville, shall be, when collected, paid over to the City Treasurer, to be appointed as aforesaid; and no money shall be paid out or disbursed by such Treasurer except upon orders to be drawn by authority of the Common Council, signed by the Mayor, or, in his absence, one of the Councilmen, and attested by the Clerk. The Treasurer shall receive all money belonging to the city; also, the list returned by the Collector of lots or parts of lots sold, and the list of balances due persons for property sold for taxes, and to receive all money that may be offered or paid by or on behalf of any owner or claimant for the redemption of any lot or piece of lot sold for taxes, and give a receipt therefor, specifying therein the lot or piece of lot redeemed.

SEC. 58. Whenever the owners of lots or parts of lots shall desire to have any improvements or repairs made in or upon any street or alley, or part of any street or alley, in front or rear of or adjoining such lots or parts

Appoint-  
ment,  
qualifica-  
tion, and  
duties of  
Treasurer.

Revenues  
to be paid  
into treas-  
ury, and  
how dis-  
bursed.

Street,  
alley, and  
sidewalk  
improve-  
ments,  
how or-  
dered and  
made.

Street,  
alley, and  
sidewalk  
improve-  
ments,  
how or-  
dered and  
made.

of lots, by grading or paving, graveling, curbing, gutttering, or in any other way, and the owners of five-eighths of the whole number of feet of ground on each side of the street or alley, or part of street or alley, proposed to be improved, shall by themselves or their agents express their desire by petition to the Common Council, stating in such petition distinctly and plainly the improvement or repairs desired to be made, it shall be the duty of the Common Council to cause such improvements or repairs to be made in the best and most economical manner, and the expenses thereof shall be assessed and charged against all lots and parts of lots fronting on or adjoining the street or part of street, or alley or part of alley, so improved or repaired as aforesaid, equally per front foot, or according to the value of such lots or parts of lots; and in order that it may at all times be seen whether the subscribers to such petition represent the requisite number of feet, the Clerk shall enter upon the record of the minutes of the proceedings of the Common Council the petition upon which any such improvements or repairs are ordered to be made, stating on the record the names of the petitioners and the number of feet represented by each; and the Common Council may provide by general ordinance for the collection of the costs and expenses of any such repairs and improvements, and provide also by such ordinance for the sale of the fee simple or any other estate in any lot or part of lot on which any such expenses remain unpaid, and for the conveyance of the lot or part of lot or the estate therein so sold to the purchaser, and such sale and conveyance shall vest a good and indefeasible title in the purchaser to the estate or interest so sold. Public notice of the time and place of every such sale shall be given by publication in a newspaper printed and published in the city, for at least two weeks successively next before the sale: *Provided,* That the expenses of making such improvements or repairs shall not be assessed on lots or parts of lots

Real es-  
tate how  
sold to pay  
expense of  
such im-  
prove-  
ment.

fronting on the street or alley improved or repaired, according to the value of such lots or parts of lots, unless three-fourths of all the Councilmen shall concur in ordering the same to be so assessed, nor shall the improvement on any lot or part of lot be considered in making any such *ad valorem* assessment: *And provided also*, That the Common Council, with the concurrence of three-fourths of all the members thereof, may order and require any and all such improvements and repairs of streets and alleys to be made without petition, and either charge and cause all or any part of the expenses thereof to be collected as above in this section provided, or cause such expenses or part thereof to be paid out of the general revenue of the city; *And provided also*, That the word "street" or "streets," wherever the same is used in this section, shall be construed to include sidewalks.

SEC. 59. No street, lane, alley or public landing shall be discontinued without the consent of the owner of the adjoining property, to be given in writing and spread upon the records of the Common Council; nor shall any new street, lane, alley or public landing be made by order of the Common Council through private property, nor any street or alley made wider, without first paying to the owner or owners of the property to be appropriated in making or widening any street, lane, alley or landing, (if such payment be demanded,) the full amount of the real injury such owner or owners may sustain thereby; and in order that such demand may be made, it shall be the duty of the Common Council to give six weeks public notice by advertising in some public newspaper printed in said city, of their intention to make or alter any such street, alley, lane or landing, and any person aggrieved may, at any time within said six weeks, apply to the Common Council for redress, by petition or remonstrance in writing, left with the Clerk of the Common Council, and containing

Laying  
out and  
vacation  
of streets,  
alleys, &c.

a statement of the injuries complained of, and the amount demanded therefor; and if three-fourths of the members of the Common Council shall concur in ordering the amount so demanded to be paid, the same shall be paid out of the common treasury of the city, otherwise the Common Council shall appoint two disinterested freeholders of the city, and the applicant for damages shall appoint two like disinterested freeholders of said city, and the four thus appointed shall choose a fifth, and the five persons thus appointed and chosen shall view, and on actual view and examination, assess, at its true value, the damage which the person demanding damages as aforesaid will sustain by the making and establishing any such new street, lane, alley or public landing, or widening any street, alley or lane already established; after such assessment is made and returned in writing, signed and sworn to by a majority of the assessors to the Common Council, it shall be final and conclusive as to the amount of such damages, and the damages so assessed shall be fully paid out of the common treasury before any such new street, lane, alley or public landing is made or opened, or before such street, lane or alley already established shall be widened. If the four freeholders first selected and appointed as aforesaid cannot agree on choosing the fifth, then the Common Council shall appoint him.

Official  
bonds  
payable to  
the city, not  
void for  
want of  
form.

SEC. 60. All bonds given in pursuance of this act or the by-laws, ordinances, or orders of the Common Council, by any agent or officer except the Mayor and Marshal, shall be made payable to the city of Evansville, and no such bond shall be void or ineffectual for want of form or any matter in the absence of which the intention of the makers thereof is clearly manifest.

County  
jail may  
be used.

SEC. 61. Until a city jail shall be erected, the city of Evansville shall be allowed to use the common jail of Vanderburgh county, and the Sheriff of said county and the keeper of said jail shall receive, keep and dis-

charge such persons as may be committed to said jail by authority of this act, or the by-laws, and ordinances made in pursuance of it, at all times and in such manner and under such rules and restrictions as shall be prescribed in such by-laws and ordinances, unless such person shall be otherwise discharged by due course of law.

SEC. 62. The Common Council shall have power, by ordinance or by-law, to establish one or more steamboat landings in front of said city, and prohibit the landing of other water crafts thereat, and to prohibit the loading or unloading of sheep, cattle, hogs, horses, and fowls, or other offensive or unwholesome commodity upon or from boats of any kind, and to prohibit boats having such lading from landing or lying at or near the shore of the Ohio River on the Indiana side thereof, opposite or in front of said city, or within one-half mile above said city; and for these purposes the Common Council shall have jurisdiction over the Ohio River and the Indiana shore thereof in front of said city, and all process issued by the Mayor may be served and executed anywhere on the Ohio River opposite the county of Vanderburgh.

SEC. 63. The Mayor shall cause laws and ordinances, rules and regulations, made in pursuance of this act, to be duly observed, enforced and executed, inspect the conduct of all officers and agents appointed by the Common Council, and cause all negligence, carelessness, and positive violation of duty by them to be promptly punished. He shall keep the seal of the city, and sign all licenses, permits, and commissions which may be granted by [him] or by authority of the Common Council. He shall keep an office in some convenient place in the city, and shall have power, as Mayor, to take and certify, under the corporate seal of the city, all acknowledgments and proofs of deeds of conveyance, powers of attorney, and all other deeds and instruments

Powers  
and duties  
of Mayor.

of writing, according to the law and usages in such cases; also, to take and certify depositions and affidavits in all cases whatever, and deeds and other instruments of writing, and depositions and affidavits acknowledged or taken before him as aforesaid, and certified under the corporate seal of the city, shall be received as evidence, without further authentication, in all courts and places, in like manner and with the same effect as if the said acknowledgments, affidavits, proof, and depositions had been taken and certified by any other officer authorized by law to take and certify the same. He shall have such powers and discharge all such duties as shall be lawfully given to or imposed upon him by the Common Council, or by their ordinances. The Mayor shall also, as Mayor, be a judicial officer, and as such shall have exclusive original jurisdiction to hear and determine all suits, actions, and legal proceedings for the violation of any ordinance or ordinances, rules or regulations of said city, and for that purpose to cause witnesses and jurors to be summoned, and compel them to attend in the same manner and under like circumstances as justices of the peace have or may have power to do, and to punish contempts committed by attorneys, witnesses, parties, jurors and other persons in the same way, and to the same extent as justices of the peace have or may have power to punish the same. He shall also have power to issue final process, and compel the payment of judgments and costs on his docket in the same manner as justices of the peace are or may be authorized to compel the payment of judgments and costs on their dockets. From any judgment rendered by the Mayor in any such action or suit as is above in this section mentioned, an appeal may be taken to the Circuit Court of Vanderburgh county at any time within ten days after the rendition thereof, in the same manner and subject to the same rules and restrictions, and with the same effect

that appeals are taken in like cases from judgments of justices of the peace. In the trial of causes the Mayor shall be governed by the same rules which shall for the time being govern justices of the peace. The Mayor shall, *ex officio*, be a justice of the peace, and as such shall within said city have and exercise the same powers and jurisdiction in all civil and criminal cases that other justices of the peace shall for the time being have or may lawfully exercise within their respective townships, and he shall also be subject to the same responsibilities and perform the same duties as other justices of the peace. Before entering upon the discharge of his duties in his judicial capacity, he shall also give bond, payable to the State of Indiana, in like manner and in the same penalty as justices of the peace [may] at the time of his election, be required to, and when acting in his judicial capacity, he shall be entitled to the same fees justices of the peace are or may be entitled to for like services, and in addition thereto he shall receive annually a salary to be fixed by ordinance or by-law, and paid out of the city treasury by quarter-yearly installments, and after the first ordinance fixing such salary shall take effect and be in force, no ordinance decreasing such salary shall take effect until the next regular election for Mayor, or until the office of Mayor shall become vacant. The Mayor shall sign or sign and seal (as the case may be) all process issued by him in the same manner that justices of the peace sign or sign and seal process of the same kind issued by them. He shall also, when required by any person interested, his agent or attorney, give certified transcripts of judgements and proceedings on his docket, which shall be received in evidence in like manner as certified transcripts of the judgments of justices of the peace, and when properly recorded in the Clerk's office, shall bind and be a lien on real estate in the same manner that transcripts of the judgments of justices of the peace do, and for such and all other services of a ministerial character relating to his business

Powers  
and duties  
of Mayor. as a judicial officer, the Mayor shall receive the same fees as justices of the peace receive for like services at the time such services are rendered. The Mayor shall keep a docket such as justices of the peace are required to keep, and such other books and records as by law or by the ordinances of the Common Council he may be required to keep; and in case of the absence of the Mayor, or in case of his sickness or inability to act, he shall deposit his docket with some justice of the peace who resides and keeps his office in said city, who shall, during such absence, sickness, or inability of the Mayor, be vested with and exercise and perform all the powers and duties of the Mayor in his judicial capacity, and shall act upon his docket and upon any new case arising under the ordinances of the city as if he were Mayor. Actions against the Mayor himself, for violations of the ordinances of the city, may be commenced and prosecuted before any justice of the peace in said city, and when it shall be made to appear, by affidavit filed with the Mayor, that he is a material and competent witness in any case pending before him in which, as Mayor, he has exclusive original jurisdiction, he shall grant a change of venue in such case, to and before some disinterested justice of the peace of said city, who shall have full power and authority to hear and determine the same as if he were Mayor, and such change shall be effected and all subsequent proceedings had in the same manner and subject to the same rules and restrictions as changes of venue from one justice of the peace to another: *Provided*, That the city of Evansville shall not be required to pay or secure or suffer judgement for cost in order to procure such change. In case of a vacancy in the office of Mayor, the Common Council shall cause the Mayor's docket to be placed in the hands of some justice of the peace of the city or of Vanderburgh county, who shall, from the time such docket is placed in his hands, be invested with all the judicial powers of the Mayor, and continue to serve as such until

such vacancy is supplied. All constables shall be ministerial officers of the Mayor's court in like manner as they are justices' courts, and shall be bound in the same manner to execute process issued by him. The Mayor may from time to time be required to give additional bond and security, and may be removed from office in the same manner and for the same causes that justices of the peace may be.\*

SEC. 64. The Common Council shall appoint a Marshal of the city,† who shall be the chief ministerial officer of the Mayor's court, and as such shall execute all process issued and delivered to him by the Mayor, and for that purpose he shall have all the powers of a sheriff and constable, and be entitled to the same fees as sheriffs and constables receive for like services, and subject to the same penalties and amercements; and the Marshal or any constable having process issued by the Mayor in any case for a violation of any by-law, ordinance, or regulation, passed, ordained, or established in pursuance of this act, may execute the same anywhere in Vanderburgh county, or on the Ohio river opposite said county, whether such process be mesne or final process. It shall be the duty of the Marshal to suppress all fights, riots, disturbances, and breaches of the peace, and to apprehend and take before the Mayor all rioters, disorderly persons, and disturbers of the public peace in said city, and all persons in the act of committing any offence indictable by the laws of the State, or fleeing from justice after committing any such offence, and if he may deem it necessary for that purpose, he may call to his assistance all bystanders and other persons in the vicinity, and when any such person is so brought before the Mayor, he shall examine and inquire into the charge made against him or her, and commit, discharge or let to bail such person, as in other cases. The Marshal shall

\* Sec. 63. The Recorder possesses all the judicial powers of the Mayor concurrently with him.  
See Act of March 10, 1852—post.

Appoint-  
ment,  
qualifica-  
tion, pow-  
ers and  
duties of  
marshal.

also perform such other duties as may be required of him by the by-laws, ordinances and regulations of the city, and be paid therefore as the Common Council shall direct by ordinance or otherwise. He may appoint one or more deputies, being always responsible for the correct discharge of their duties. Before entering upon the discharge of his duties, he shall give bond with freehold security to the acceptance of the Common Council, payable to the State of Indiana, and continued for the faithful performance of his duties as Marshal, and for the faithful keeping and paying over of all money that may come into his hands as such; and any person aggrieved by a breach of the condition of said bond may cause suit to be brought thereon in the name of the State for the use of such person, whether a natural person or a body politic or corporate. Such bond shall be filed in the office of the Clerk of the Common Council and carefully preserved, and copies thereof certified by the Mayor under the corporate seal of the city, shall be good evidence in all courts. The Marshal shall also take an oath of office to be endorsed on said bond before it is filed.

Qualifica-  
tion of  
voters.

SEC. 65. After this act takes effect as hereinafter provided, no person shall have the right to vote at any election held by virtue of this act, or the ordinances passed in pursuance of it, who has not paid all taxes and assessments levied and charged against him for city purposes within twelve months next before such election, and due and payable at the time of such election.\*

Council  
may estab-  
lish work  
house  
and house  
of correc-  
tion, and  
govern the  
same.

SEC. 66. The Common Council may erect and establish in said city a house of correction and work house, or either of them, and authorize the Mayor on the failure of any person to pay or replevy a fine or penalty that may be entered against him or her for a violation of any by-law, ordinance or police regulation of the city, to commit such delinquent to such work house or house of

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\* Sec. 65. See Acts of 1852, as to qualification of voters, and Acts of March 11, 1867, and May 13, 1869.

correction instead of the jail ; and the Common Council shall have power to appoint such officers and adopt such rules and regulations to govern such officers and the person committed to such house as they may deem necessary, not inconsistent with the laws of this State ; and as well before as after the establishment of such work house or house of correction, the Common Council may authorize the Mayor, on failure of any person to pay or replevy any such fine or penalty and cost, to require such delinquent to perform any amount of labor equivalent in value to such fines and costs, using such means to prevent his escape as may be deemed necessary.

SEC. 67. For collecting taxes without distress or sale, <sup>Fees of collector.</sup> the collector shall be allowed such a per centum upon the whole amount collected as the Common Council think proper, to be paid out of the general revenue, and for every sale of personal property for taxes he shall be entitled to one dollar, together with reasonable and proper charges for removing and keeping property distrained, and fifty cents for each sale of real estate and giving a certificate thereof, and twenty-five cents for acknowledging such certificate, to be added to and estimated with the taxes for which such real or personal estate was sold, and paid out of the proceeds of such sale.

The Treasurer shall be allowed for his services such a <sup>Fees of treasurer.</sup> per centum upon the whole amount received and disbursed by him as the Common Council may think proper, and twenty-five cents for each certificate of the fact that a lot or part of lot sold for taxes has not been redeemed, and twenty-five cents for acknowledging the same, to be paid by the person demanding such certificate, and twenty-five cents for each certificate of the redemption of a lot or part of lot sold for taxes, to be paid by the person redeeming the same, and for other services such fees or compensations as the Common Council may allow.

The Clerk shall prepare and make ready for the sig-

Duties of  
clerk, and  
his fees.

nature of the Mayor all orders upon the treasury, all commissions and licenses, and all copies of the records and papers in or appertaining to his office, upon the request of the person entitled to the same, and for copying each record or paper not exceeding one hundred words he shall be entitled to fifteen cents, and for all over one hundred words he shall receive at the rate of ten cents for each hundred words, and in estimating the number of words three figures shall be counted as one word. Such fees shall be paid by the person demanding such copy. In addition to the fees above specified, the Clerk shall be allowed and paid a stated annual salary, of such amount as the Common Council may deem proper, to be paid by quarter-yearly installments, as the services are rendered.

Fees of  
other offi-  
cers.

All other officers and agents employed by or by authority of the Common Council shall be allowed and paid such reasonable fees or compensation as the Common Council may deem proper.

Fees of  
mayor.

The Mayor shall be entitled to receive for each certificate and seal to the copy of any record or paper in the Clerk's office twenty-five cents, and for each certificate with the corporate seal annexed to any other document or instrument of writing fifty cents, and for taking and certifying affidavits and the proof or acknowledgement of deeds and other instruments of writing, and depositions, he shall be allowed the same fees as justices of the peace are or may be allowed for like services when certified by him as a justice of the peace, and twenty-five cents in addition thereto when such certificate is made by him as Mayor, under the corporate seal of the city.

Fees of  
sheriff.

The Sheriff shall receive the same fees for receiving, keeping, and discharging prisoners committed to jail by the Mayor for the violation of penal ordinances of the city that he receives for like services in other cases; and when any person shall be so committed, the Sheriff shall

report to the Mayor his fees and charges, which shall be taxed and collected as part of the cost in the cause in which such person may have been committed.

SEC. 68. Every Clerk and Treasurer may, with the advice and consent of the Common Council, appoint a deputy. Every such appointment shall be in writing, and be entered on the records of the minutes of the Common Council. The Clerk and his deputy shall have full power to administer oaths in all cases whatsoever in relation to the business that may at any time be before the Common Council, and also all official oaths to be administered to officers and agents appointed by the Common Council; and the Deputy Clerk and Deputy Treasury shall be competent to discharge all the duties of their respective principals.

SEC. 69. No Mayor or Councilman, during his continuance in office as such, shall be appointed by the Common Council to the office of Clerk, Treasurer, Collector, Marshal, or Attorney for the city of Evansville, or be a party to or be directly or indirectly interested in any contract made or entered into by or with the Common Council.\*

SEC. 70. It shall be the duty of the President and Trustees of the town of Evansville to appoint some suitable person in each ward of said town an Inspector of Elections, and appoint a place in each of said wards to hold an election on the first Monday in April, 1847, for the election of Mayor and Councilmen, which election shall be governed in all things by the provisions of this act; and as soon as the Mayor and Councilmen shall enter upon the discharge of their duties, the corporation known as "The President and Trustees of the town of Evansville" shall cease to exist; but all books, papers, and property, real and personal, and all money and choses in action belonging to or held and possessed by "The President and Trustees of the Town of Evansville

Clerk and  
treasurer  
may ap-  
point  
deputies,  
how.  
Clerk may  
adminis-  
ter oaths.

Mayor  
and coun-  
cilmen not  
to be in-  
terested in  
contract  
with the  
city, and  
not to be  
eligible to  
any other  
office.

Duties of  
trustees of  
former  
town of  
Evans-  
ville.

\*See Acts of 1852—post.

Duties of trustees of former town of Evansville. shall vest in and become the property of, and to all intents and purposes belonging to, the corporation hereby created by the name and style of "The City of Evansville;" and all suits pending, and judgements rendered in favor of or against "The President and Trustess of the town of Evansville" may be continued, prosecuted, and defended by or against "The City of Evansville," by placing its name on the record as plaintiff or defendant, as the case may require, by order of the proper Court, after notice given the Mayor or City Attorney, in case where the city of Evansville shall be made a defendant. The city of Evansville is to be responsible for the performance of all contracts, and liable for all debts and demands, entered into by, or due and payable from, the President and Trustees of the town of Evansville; and shall have the right, by suit in its own name or otherwise to inforce the performance of all contracts and the payment of all demands entered into with or payable to the President and Trustees of the town of Evansville, and all other rights and liabilities of the President and Trustees of the town of Evansville shall vest in and devolve upon the city of Evansville.

City to succeed to rights and liabilities of said town.

Annexation of adjacent territory.

SEC. 71.\* At any time after this act takes effect, any territory adjoining the city of Evansville, which is or may be laid out in streets and lots, and the plat thereof recorded, or any part of any such territory so laid out in streets and lots, may be annexed to and included within the limits of the city of Evansville, in the manner hereinafter provided, viz.: Whenever three-fourths of the adult inhabitants of any such adjoining territory, who are freeholders therein and own one-third of such territory, shall desire to have the same annexed to and included within the limits of said city, or whenever the owners in fee of one-half of any such territory, whether inhabitants thereof or not, shall desire to have the same annexed to or included within the limits of said city,

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\*See Act of March 6, 1865 (amending Charter), Sec. 1, 2 and 3—post.

and shall express such desire by a written petition, signed by three-fourths of such freehold inhabitants or the owners of one-half of such territory, expressing therein distinctly the territory intended or desired to be annexed to and included within the limits of said city, the Common Council, upon such petition being presented to them, shall, if they think proper, enter such petition at full length upon their records, and order the territory described in such petition to be annexed to and included within the limits of said city; and thenceforth such territory shall be deemed and taken to be annexed to and within the limits of said city, and the inhabitants thereof members of the corporation hereby created, to all intents and for all purposes whatever, and the territory so annexed shall constitute one or be divided into two or more wards of the city of Evansville, as shall be provided by an ordinance or ordinances of the Common Council, and such ward or wards shall be represented in the Common Council in the same manner as other wards of the city; and the Mayor, and the Common Council, and all other officers of the city shall have the same jurisdiction over and exercise the same powers within any territory so annexed as they may have or exercise within the limits of the city of Evansville, as herein defined and prescribed, and also over and upon the Ohio River and the shore thereof in front of such annexed territory: *Provided*, That no revenue assessed, collected, or raised without any territory so annexed as aforesaid shall be expended for any improvements or repairs of streets, alleys, wharves, or landings within or in front of such territory, or for any labor or service done or rendered in or for the benefit of such territory or the inhabitants thereof; nor shall any revenue raised, levied, or collected within such territory be expended except in such territory and for the benefit of the same or the inhabitants thereof, until the Common Council shall otherwise direct by a general ordinance, which ordinance

shall not be passed without the consent of all the members of the Common Council representing such territory, if there be less than three, or a majority of them, if there be three or more.\*

Charter,  
when in  
force.

SEC. 72. This act shall take effect and be in force from and after its passage: *Provided*, That if at the first election for Mayor and Councilmen to be held as herein provided, a majority of the qualified voters voting at such election should vote against the adoption of this act, by writing on their tickets before voting, these words: "Against a City Charter," or other words of a similar import, then and thenceforth this act shall become and be null and void, and of no effect whatever. And the right is hereby reserved to the Legislature to amend or repeal this act at any and all times hereafter, saving to individuals their rights to property and choses in action acquired under it, and their rights to recover and receive debts and demands due them from the city of Evansville: *And provided further*, That unless this act is published in some public newspaper printed and published in the town of Evansville, at least one week before the first Monday in April next; it shall cease and be of no effect. And in order that such publication may be made, it shall be the duty of the Secretary of State to forthwith transmit by mail to "The President and Trustees of the Town of Evansville" a duly certified copy of this act.

**ROBERT N. CARNAN,**

Speaker of the House of Representatives.

**PARIS C. DUNNING,**

President of the Senate.

Approved January 27th, 1847.

**JAMES WHITCOMB.**

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\* Sec. 71. See Act of 1857—post—providing for annexation of towns to cities.

STATE OF INDIANA, ss.

I, John H. Thompson, Secretary of State for the State aforesaid, certify that the above and foregoing thirty-three pages contains a correct and complete copy of the act of which it purports to be a copy, taken from the enrolled act on file in my office.

In witness whereof, I have hereunto set my hand, and affixed the seal of State, at Indianapolis, the 12th day of February, A. D. 1847.

[L.S.]

JOHN H. THOMPSON,  
Secretary of State.

## AMENDMENTS TO THE CHARTER.

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AN ACT to amend an Act entitled "An Act granting to the citizens of the town of Evansville a city charter," approved January 27, 1847.

[APPROVED FEBRUARY 4, 1848.]

Size, form  
and  
bound-  
aries of  
wards,  
how alter-  
ed, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Common Council of the city of Evansville shall have full power and authority from time to time, and as often as they may deem it expedient, to alter the size, form, and boundaries of the present wards of said city, and to subdivide the same or any of them, and make additional wards thereof, and at all times hereafter to subdivide the territory which may be within said city, and constitute thereof as many wards as said Council may deem proper, and of such sizes and forms as said Council may think necessary for the convenience and well-being of said city, and from time to time to alter the number and boundaries thereof: *Provided*, That the size or boundaries of no ward once established shall be altered without the concurrence of two-thirds of all the Councilmen of the city.

SEC. 2. The Common Council of said city shall have full power and authority, at their discretion, by ordinance, to require all votes to be given at any city election to be given in any one or more wards of said city, and at such place or places as the Common Council may from time to time appoint, and to pass and adopt all such ordinances, regulations, and orders in relation to the times and places of holding elections in said city for city officers, as said Common Council shall deem expedient.\*

SEC. 3. When any person shall fail to pay his or her taxes within the time prescribed for the payment thereof by the act to which this is an amendment, if he or she own, or be charged with the taxes on several lots or portions of real estate upon which such taxes have not been paid, the Collector shall advertise the whole as delinquent; but he shall, if practicable, make all the taxes charged against such person by the sale of one lot or part thereof, and sell no more lots or parts of lots than will be sufficient to pay the taxes charged against such person, together with the costs of advertising and sale.

SEC. 4. Any person using a party wall built by another person shall be compelled to pay for one-half of such part thereof only as may be actually used in the manner specified in the forty-eighth section of the act to which act this is an amendment: *Provided*, That the height of the part so used shall be ascertained by measuring from the bottom of the wall or foundation; and if the two buildings of which said wall forms part be of equal or nearly equal height, that part of the wall which extends above the roof shall be included in estimating the height of such wall.

SEC. 5. The Common Council shall have power to expel and vacate the office of any Mayor or Councilman who shall offer or accept any bribe, or act corruptly, or attempt to induce any other member of the

\*See Act of March 11, 1867—post.

Council  
may es-  
tablish  
election  
precincts.  
and fix  
time of  
elections.

Advertise-  
ment  
and sale of  
real estate.

Party  
walls.

Council  
may expel  
mayor or  
council-  
men.

Council  
may expel  
mayor or  
council-  
men.

Council to act corruptly in the discharge of his duty as a member of the Common Council; and also any member of the Common Council who shall have been convicted subsequently to his election of any crime punishable by imprisonment, and also any member of the Common Council who shall be directly or indirectly a party to or interested in any contract, express or implied, to which the Common Council or the city of Evansville is a party: *Provided*, That no member of the Common Council shall be expelled or have his office vacated as aforesaid, unless three-fourths of all the members of the Common Council shall concur therein, nor without being heard by himself and Council, if he desire it, and fairly tried by the Common Council; and the accused shall have notice of the trial at least one week before the time fixed therefor, and he shall have the right to demand a copy of the charge or charges made against him.

SEC. 6. The Mayor, or President *pro tem*, of the Common Council, shall have power to issue process for, and compel witnesses to attend and testify upon, any trial had in pursuance of this act, in the same manner that justices of the peace may compel witnesses to appear and testify before them.

SEC. 7. This act shall be in force from and after its passage.

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The following sections are a part of the Charter of the Evansville and Illinois Railroad Company.

[APPROVED JANUARY 2, 1849.]

(See local laws of 1848-9, page 273.)

Council  
authorized  
to take  
stock.

SEC. 26. The Common Council of the city of Evansville may, in the name and on behalf of the said city, subscribe for and take stock in said company, which shall be done in the following manner, to-wit: The said Common Council shall pass and cause to be recorded in the minutes of their proceedings an order or resolution substantially as follows:

"Resolved, That the city of Evansville will and does hereby subscribe for and take — shares of stock (specifying the number of shares subscribed) in the Evansville and Illinois Railroad Company." And thereupon it shall be the duty of the Clerk of said city to make out and attest a copy of said resolution, and deliver it to the Mayor of said city, who shall certify the same under the corporate seal of the city, and deliver it to the person or persons authorized to receive subscriptions for said stock; and at the same time the said Mayor shall, in the name and in behalf of said city, enter upon the proper subscription book a subscription for the number of shares specified in such resolution.

SEC. 27. No stock shall be subscribed for or taken in the name or in behalf of said city as aforesaid, unless it shall have been ascertained, by means of an election held for the purpose, that a majority of the qualified voters of said city are in favor thereof; and for that purpose one or more elections may be held at such time or times and place or places in said city as the Common Council shall appoint; and said election shall be conducted in such manner as said Common Council shall order and prescribe.

SEC. 28. If stock shall be taken in said company in behalf of said city, as above prescribed, the Common Council of said city may, in the name of said city, issue bonds or borrow money for the payment thereof, in the same manner as hereinbefore provided in cases where stock is taken in behalf of counties, and shall pledge the faith and credit of said city for the payment of such bonds or borrowed money, and interest on the same.

SEC. 29. When bonds are issued or money borrowed in the name of said city in pursuance of this act, it shall be the duty of the Common Council of said city to provide for the payment of the principal and interest on such bonds or borrowed money by *ad valorem* taxation to be levied to meet interest and create a sinking fund to pay principal of bonds.

Tax to be levied to meet interest and create a sinking fund to pay principal of bonds. tion of all the real or personal estate subject to taxation in said city for city purposes; and in addition to the payment of the interest on said bonds or borrowed money as the same becomes due, the Common Council shall provide a sinking fund for the payment of the principal by annually setting apart the dividends and profits derived from said road and such a portion of the taxes aforesaid as that all the sums thus set apart annually, with accruing interest thereon, will be sufficient to pay the principal of said bonds or borrowed money when the same shall be due. And the sinking fund thus created shall be a permanent fund, and be applied to no other purpose than the payment of said bonds or borrowed money. And the said Common Council shall have power to make such laws, rules and regulations for the collection, safe keeping, loaning and disbursing the same; *Provided, however,* That said sinking fund shall not, nor shall any part thereof be loaned for any greater rate of interest than seven per cent. per annum, nor unless the repayment of the same is secured by mortgage upon unincumbered real estate, within this State, of at least double the value of the sum loaned.

Such tax shall be in addition to regular annual assessment. SEC. 30. The taxes to be levied and collected in pursuance of this act shall be in addition to the taxes now authorized to be levied and collected for county and city purposes; and taxes assessed under the provisions of this act, by order of the Board of Commissioners shall be levied and collected with and as a part of the annual *ad valorem* tax levied and collected for county purposes, and subject to the same rules and regulations; and the taxes levied in pursuance of this act, by order of the Common Council shall be levied and collected with and as a part of the taxes regularly and annually assessed and collected for city purposes, and subject to the same laws and regulations.

SEC. 31. Nothing in this act contained shall be so construed as to affect the powers granted to the Com-

mon Council of the city of Evansville by the fortioth clause of the thirtieth section of the charter of said city, entitled "An act granting to the citizens of the town of Evansville in the county of Vanderburgh a city charter, approved January 27th, 1847," but the powers hereby granted shall be deemed cumulative, and in addition to those granted by the said fortioth clause of the thirtieth section.

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AN ACT to amend the Charter of the City of Evansville.

[APPROVED JANUARY 15, 1850.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Common Council of the city of Evansville shall have full power and authority to cause all ponds, swamps and wet lands lying within two miles of the corporate limits of said city to be drained at the expense of said city, and of the owners of such ponds, swamps, and wet land; and for that purpose shall have full power and authority to make, or cause to be made, all needful surveys and examinations; and also, full power and authority to cause to be dug, made, constructed, and kept in repair at the expense of such owners, all ditches, drains, sewers, culverts, and aqueducts which to the said Common Council shall seem needful or expedient for that purpose; and all structures of earth, wood, stone or other materials, which may be found necessary to preserve and keep in repair such ditches, drains, sewers, culverts and aqueducts, and prevent the water flowing therein from doing injury to private or public property.

SEC. 2. The said Common Council shall have full power to determine and prescribe the time and mode of draining any such ponds, swamps, and wet land, and the materials of which any of the above named structures shall be made, and the location, form and dimensions of every such structure: *Provided*, That no unnecessary injury shall be done to private property by

Council shall fix proportion of cost of drainage to be paid by each owner; notice thereof to be given.

the construction thereof, and every person shall have the right to recover from the city of Evansville all damages which such person may sustain over and above the benefits derived from the construction thereof.

SEC. 3. After any ditch, drain, sewer, culvert, or aqueduct is constructed or repaired as above provided for, the said Common Council shall ascertain, order and fix the proportion of the cost thereof to be paid by the owner of each tract or piece of land drained thereby, whether such land lie within two miles of said city or not, and cause notice thereof to be given by publication at least once in each week for three successive weeks in some public newspaper printed and published in said city.

If within ninety days after notice of objection not made to assessment, no objection can be subsequently made.

SEC. 4. If within ninety days after such notice is given as aforesaid, no objection be made to the payment of any amount or proportion of the cost of any such structure or repairs so fixed by the Common Council as aforesaid, each and every owner of property affected thereby shall be deemed to have assented to the order of the Common Council in fixing the amount to be paid by him or her, and thenceforth every such owner shall be debarred from objecting thereto, and shall pay the amount so ordered to be paid by him or her, to such officer as may be authorized by the Common Council, or by the by-laws of said city to receive the same.

If objection made within ninety days, re-assessment how made.

SEC. 5. If within ninety days after notice is given, as provided for in the third section of this act, the owner of any property affected thereby shall, by himself or his agent, file with the Clerk of the said Common Council objections in writing to the payment of the amount fixed and ordered to be paid by him as above provided, the said Common Council shall cause a writ to be issued by the Mayor of said city, directed to the Marshal of said city, or the Sheriff of Vanderburgh county, commanding him to summon twelve disinter-

ested freeholders of the neighborhood to assess and fix the proportion of the cost of any such structure or repairs made as aforesaid, to be paid by each person whose real estate is drained by means of any such ditch, drain, sewer or aqueduct; and it shall be the duty of the twelve freeholders so summoned to proceed, on a day fixed by the officers summoning them, of which he shall notify the person filing his objections as aforesaid, to view the real estate drained as aforesaid, and after such view to fix the amount to be paid by each owner as aforesaid, and make report thereof in writing, under their hands, to the officer summoning said freeholders as aforesaid, who shall return such report to the Clerk aforesaid, to be by him filed and preserved, and the Common Council shall order the payment of the cost of such structure and repairs according to the report of said freeholders.

SEC. 6. The amount fixed and ordered to be paid by any person as aforesaid, shall be a lien on his land which is drained as aforesaid, and shall be collected and paid into the city treasury of the city of Evansville, in the same way, and subject to the same rules and regulations in all respects as the cost of abating a nuisance caused by a pond or pool of water within said city, is authorized to be collected and paid by the charter of said city, and the by-laws made in accordance with said charter.

SEC. 7. Nothing in this act contained shall be so construed as to authorize [the] said Common Council to drain, as aforesaid, any mill pond caused by a dam lawfully erected or maintained, without first obtaining the consent of the owner thereof, nor shall said Common Council have power to cause any such sewer, ditch, culvert, or aqueduct to be constructed as aforesaid, within the corporate limits of any other incorporated town or city, without first obtaining the consent of the corporate authorities of said town or city.

SEC. 8. This act shall be in force from and after its passage, and it shall be deemed a public act, and as such shall be taken notice of by all courts and persons.

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**AN ACT in relation to Lamasco City.**

[APPROVED JANUARY 15, 1850.]

Boundaries of  
Lamasco.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Lamasco, in the county of Vanderburgh, which was incorporated in the year eighteen hundred and forty-seven, according to the provisions of the first article of the twenty-fifth chapter of the Revised Statutes of Indiana, shall embrace the following corporate limits and bounds as follows, *to-wit*: The western boundary of said corporate limits shall be Pigeon Creek, the northern boundary shall be Eighth street to the north line of the same, the southern boundary shall be the Ohio River, including within its corporate limits all the land and ground embraced or contained between Pigeon Creek and a line drawn due south from the east end of said Eighth street to the Ohio River, and not included within the corporate limits of the city of Evansville.

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**AN ACT to amend the Charter of the City of Evansville.**

[APPROVED JANUARY 16, 1850.]

Council  
empower-  
ed to di-  
rect city  
recorder to  
be elected;  
his powers  
and duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Common Council of the city of Evansville may, at any time hereafter, at their discretion, by a by-law or an order entered upon the record of their proceedings, order the election of a Recorder of said city, who shall be a judicial officer and a conservator of the peace, and shall also discharge all such executive duties as may be required by the ordinances of said city, not inconsistent with the constitution and laws of this State.

SEC. 2. The Recorder, when elected as aforesaid, and qualified as hereinafter provided, shall possess all the powers and jurisdiction of a justice of the peace of the county of Vanderburgh, and in addition thereto, he shall possess and discharge all the judicial powers, jurisdiction, duties and functions of the Mayor of said city, concurrently with the Mayor.

SEC. 3. The Recorder shall be sworn and give bond as the Mayor is required to do, and subject to the same liabilities, and he shall hold his office for three years and until his successor is elected and qualified.

SEC. 4. This shall be deemed a public act, and shall be in force from and after its passage.

**A N ACT providing for the election of town and city officers, and prescribing the qualifications of voters in such elections.**

[APPROVED MARCH 10, 1852.]

(See Acts of 1851-2, page 124.)

**SECTION 1. Be it enacted by the General Assembly of the State of Indiana,** That the qualified voters of each and every city or incorporated town that may have the following officers, viz.: Mayor, recorder, city judges, secretaries or clerks, treasurers, collectors, councilmen, trustees, marshals, street commissioners, surveyors and assessors, shall at such times as now provided by law to hold their annual elections, elect the above named officers, who shall hold their respective offices for the terms of time, and of each of the above named officers such number as are now provided by law, and in all municipal elections in this State, no other or different qualifications shall be required of voters than that which shall entitle them to vote at any township, county, or State election, except that their residence shall be in the ward of the city or town where such election shall be holden.

Qualifica-  
tion of  
voters.

AN ACT explanatory to the act entitled "An act providing for the election of town and city officers, and prescribing the qualifications of voters in such elections," approved March 10, 1852, and to provide for filling vacancies in the office of councilman or trustee.

[APPROVED APRIL 23, 1852.]

(See Acts of 1851-2, page 125.)

Act of  
March 10,  
1852, de-  
clared to  
apply to  
certain of-  
ficers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act for the election of town and city officers, and prescribing the qualifications of voters in such elections," approved March 10, 1852, shall be construed to apply to all incorporated cities and towns having any or all the officers named in said act.

Construction to be  
given to  
said act  
limited  
and de-  
clared.

SEC. 2. That said act to which this is explanatory, shall not be so construed as to change or affect any provision of any such act of incorporation in any other manner whatever, than to make all the officers of any such corporation included within enumeration of officers in the above entitled act, elective by the legal voters of any such corporation, or of the wards thereof, as may be provided for in any such act of incorporation; and to extend the right of suffrage as in the above entitled act specified, and in all other respects each provision of every such act of incorporation shall still remain unimpaired and in full force.

Vacancies  
how certi-  
fied and  
filled.

SEC. 3. When a vacancy occurs in the office of councilman or trustee, it shall be certified to the mayor or president of the proper city or town by the clerk or secretary thereof, who shall issue a proclamation fixing the time of the election to fill such vacancy by the legal voters of such corporation or the proper ward thereof, as may be provided for in the act incorporating such city or town.

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AN ACT touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act.

[APPROVED JUNE 10, 1852.]

(See Revised Statutes of 1852, vol. I, page 373.)

SECTION 1. *Be it enacted by the General Assembly of the*

*State of Indiana,* That no property qualification shall be necessary to render any citizen eligible to hold any office of any municipal incorporation in the State. Qualifications of municipal officers defined.

SEC. 2. That in all municipal elections under town or city charters in this State, no other qualification shall hereafter be required of any voter than such as is made necessary under the constitution of the State, except that the voter shall reside in the ward or district where he may offer to vote. Qualification of voters.

SEC. 3. All laws or parts of laws contravening the provisions of this act be and the same are hereby repealed; and as an emergency exists for the immediate taking effect thereof, it is declared to be in force from and after its passage and publication in the Indiana State Sentinel. Repealing clause.

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AN ACT to enable the Common Councils of the several incorporated cities of this State to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned; and the time within which the city tax rolls or duplicate shall be made and delivered to the collecting officers; and, also, the time within which such collecting officers shall make their collections and returns.

[APPROVED MARCH 7, 1857.]

(See Acts of 1857, page 24.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act it shall and may be lawful for the Common Council of any incorporated city within this State to provide and prescribe, by a general ordinance, the time within which the annual list or assessment roll of persons, things, and property subject to taxation for city purposes shall be made and returned by the proper officer or officers; also the time within which the tax roll or duplicate of such city shall be annually made and delivered to the collecting officer, and the time within which such collecting officer shall collect the taxes charged in such roll or duplicate, and the time within which personal and real estate, or either of them,

may be distrained and sold by such collecting officer, for the purpose of collecting such taxes; and also the time or times at or within which any such collecting officer shall make any return, or statement, or delinquent list, now required by law to be made by such officer.

The things  
enumer-  
ated in  
Sec. 1 to be  
done as  
now re-  
quired by  
law, until  
such ordi-  
nance  
may be  
passed.

This act  
not to be  
construed  
to em-  
power  
common  
council to  
change the  
manner of  
collecting  
taxes, of  
city, as re-  
quired by  
law.

Collec-  
tions and  
returns  
not to be  
deferred  
beyond  
second  
Monday of  
March en-  
suing.

Emergen-  
cy.

**SEC. 2.** Until the times for doing the several things contemplated by the first section of this act shall be prescribed as therein provided, such things shall respectively be done at or within the times now provided by law for the doing thereof.

**SEC. 3.** Nothing in this act contained shall be so construed as to empower the Common Council of any city to change the manner in which the taxes of such city are required to be assessed and collected, or the manner in which the assessing or collecting officers are required to make their returns.

**SEC. 4.** The completion of his collections by the collecting officer of any such city, and his final return, shall not be prolonged, by virtue of anything in this act contained, beyond the second Monday of March next succeeding the election or appointment of such collecting officer.

**SEC. 5.** An emergency is hereby declared to exist, requiring that this act shall take effect immediately after its passage; and it is, therefore, enacted that this act shall take effect and be in force from and after its passage.

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The 16th section of the License Law of March 5, 1859, (Acts of 1859, page 205), reads as follows:

**SEC. 16.** All laws and parts of laws coming in conflict with any of the provisions of this act be, and the same are hereby, repealed; but nothing in this act shall be so construed as to prohibit the Common Councils of cities and the Boards of Trustees of incorporated town

from demanding and enforcing a fee for license from all keepers of coffee-houses or other places where intoxicating liquors are sold and drank within the limits of their respective corporations.

**AN ACT to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.**

[APPROVED FEBRUARY 16, 1867.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana, That where an incorporated town and an incorporated city adjoin each other, they may be consolidated or united, or the town annexed to the city: Provided,* a majority of the qualified voters of the town and a majority of the qualified voters of the city shall vote in favor thereof, at elections to be held as herein-after provided.

**SEC. 2.** The Common Council of the city and the President and Trustees of the town shall first agree on the terms and conditions upon which such union, consolidation, or annexation shall take place, and also upon a day when an election shall be held for the people of such town and city to vote upon the question of union, consolidation, or annexation, upon the terms specified in such agreement.

**SEC. 3.** Such agreement shall be made public at least three weeks before the time agreed upon for such election, by publishing the same at least three times in each newspaper printed and published in the county where such town and city are situated, and by posting printed hand-bills containing said agreement in three of the most public places in each ward of such town and city.

**SEC. 4.** The election above provided for shall be held at the time agreed on, as above provided, and at the places where other city and town elections are usually held in such city and town respectively, and be governed by the laws and regulations governing other city and town elections in such city and town respectively.

Those voting for union shall have "Union" on their tickets and those against union "No Union" on their tickets.

The inspectors and judges shall report to the Common Council and President and Trustees respectively the result of such election. Such report to be entered on records of Common Council, &c.

SEC. 5. Those who vote in favor of union or annexation according to the agreement aforesaid shall have on their tickets the word "Union," and those who vote against it shall have on their tickets the words "No Union" or equivalent words.

SEC. 6. The Inspectors and Judges of the Election shall report to the Common Council and President and Trustees respectively the result of such election, and the report of the Inspectors and Judges of the town election shall be entered on the records of the President and Trustees, and a certified copy thereof delivered to the Clerk of the city, and the report of the Inspectors and Judges of the city election shall be entered on the records of the Common Council, and a certified copy thereof delivered to the Clerk of the town; and if a majority of the votes given in the town as well as a majority of the votes given in the city are in favor of union or annexation, then the President and Trustees and the Common Council shall meet at the Council Chamber of the City Council, and by resolution declare that the town is annexed to the city or the two united, as the case may be, according to the agreement aforesaid, and such resolution shall be entered on the records of the City Council, and such record and certified copies thereof shall be conclusive evidence of such union or annexation, and a copy of such resolution shall also be recorded in the Recorder's office of the county where such city is situated, and copies of such record shall be good evidence in all Courts.

If voters vote favorable to annexation, then the town to be deemed a part of the city.

SEC. 7. If the agreement aforesaid should be to annex the town to the city, and the election and resolution aforesaid shall be in favor therof, then the town shall be deemed a part of the city to all intents and purposes, and the city shall continue its corporate name and existence.

SEC. 8. If the agreement aforesaid be to unite or consolidate, then the agreement aforesaid shall contain also a stipulation as to the name of the consolidated or united town or city.

If agreement be to unite, it shall contain a stipulation as to name of consolidated city or town.

SEC. 9. When a town and city shall be consolidated or united as aforesaid, they shall constitute one city by the corporate name agreed on as aforesaid.

When town and city consolidate to constitute one city by corporate name agreed on.

SEC. 10. In case of annexation as aforesaid, the city shall be liable for all debts, contracts, and liabilities of the town, and shall be entitled to all the rights, credits, moneys, effects, and property of the town, and may sue and be sued in relation thereto in the name of the city; and in case of a union or consolidation, the new city shall be liable for all debts, contracts, and liabilities of the town and city consolidated, and be entitled to all the rights, credits, moneys, effects, and property of the town and city consolidated or united, and may sue and be sued in relation thereto in the name agreed on and adopted for the consolidated city as aforesaid; and in case of either annexation or consolidation, all actions pending may be prosecuted to final judgment and execution, and all judgments heretofore rendered may be executed and enforced without any change of the parties and without any change of the name of the plaintiff or defendant.

In case of annexation, city to be liable for all debts, &c. of town, and entitled to all rights, &c. of the town, &c.

SEC. 11. Whereas, there is no act now in force on this subject, therefore an emergency is hereby declared, requiring that this act should take effect immediately after its passage; it is, therefore, enacted that this act shall take effect and be in force from and after its passage.

Emergency.

## AGREEMENT,

### ANNEXING THE TOWN OF LAMASCO CITY TO THE CITY OF EVANSVILLE.

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See Records of the Common Council of the City of Evansville of March 28, A.D. 1857; also, Deed Records of Vanderburgh County, Book No. 4, page 606, etc.

*Joint convention of the Common Council of the city of Evansville and Board of Trustees of the town of Lamasco City.* *Be it remembered,* That on the twenty-eighth day of March, A.D. 1857, the Mayor and Common Council of the city of Evansville and the President and Trustees of the town of Lamasco City met at the Council Chamber of the Common Council of the city of Evansville, at half-past seven o'clock P.M. of said day, in pursuance of the requirements of an act of the General Assembly of the State of Indiana, entitled "An Act to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities, approved February 16, 1857;" when present, John Hewson, Mayor of the city of Evansville, and Matthew W. Foster, James Scantlin, jr., George W. Rathbone, Frederick W. Cook, Samuel Orr, Joseph Setchell, George Venneman, and William Hunnel, Councilmen of the city of Evansville, and Peter Sharpe, President and one of the Trustees of the town of Lamasco City, and George Wolfin, Archibald Sullivan, William Warren, Thomas Bolus, Louis Daum, and John Kramer, Trustees of the town of Lamasco City.

On motion, Mayor Hewson was appointed to preside over the meeting; after which the following preamble and resolutions were unanimously adopted by the said Common Council of the city of Evansville and by the President and Trustees of the town of Lamasco City, so in joint convention assembled as aforesaid:

WHEREAS, The Common Council of the city of Evansville and the President and Trustees of the town of Lamasco City did, on the second day of March, 1857, in pursuance of an act of the General Assembly of the State of Indiana, approved the 16th day of February, A.D. 1857, and entitled "An Act to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities," make the following agreement, that is to say:

In pursuance of an act of the General Assembly of the State of Indiana, approved February 16, 1857, entitled "An Act to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities:" It is hereby agreed by and between the Common Council of the city of Evansville and the President and Trustees of the town of Lamasco City, that the said town of Lamasco City be annexed to the city of Evansville, on the following terms and conditions, to-wit:

*First.* The town of Lamasco City shall become a part of the city of Evansville to all intents and purposes upon the ratification of this agreement by a majority of the qualified voters of said city and town respectively, under the provisions of said act, and the city of Evansville shall succeed to, and become possessed of, and entitled to, all the property, real and personal, and all the rights, credits, moneys, and effects of the said town, and said city shall be liable for all the debts, contracts, and liabilities of said town.

The city of Evansville to succeed to all the rights, and be responsible for all the debts, &c., of the town of Lamasco City.

Trustees of  
Lamasco  
City en-  
titled to  
seats in  
the Com-  
mon  
Council of  
the city of  
Evans-  
ville.

*Second.* Upon the ratification of this agreement by the voters of said city and town as aforesaid, and upon the consummation of the annexation of said town to said city, under the provisions of said act, the Trustees of the town of Lamasco City shall be entitled to seats in the Common Council of the city of Evansville, as members thereof; and each ward of the present town of Lamasco City shall be and constitute a ward of the city of Evansville, until the wards of the city of Evansville shall be changed by the Common Council of the city, in pursuance of the charter thereof; but it is understood, however, that the wards of said city shall never be so arranged or constituted as to deprive any part of the united city of its due weight in the Common Council according to its population.

Railroad  
stock  
owned by  
city of Ev-  
ansville,  
how man-  
aged and  
controlled.

*Third.* The stock in the Evansville and Crawfordsville Railroad Company now owned and held by the present city of Evansville shall, after the annexation, be held by the Common Council of the united city in trust for the benefit of that part of the united city which constitutes the present city of Evansville; and the members of the Common Council representing the territory or wards constituting the present city of Evansville, or a majority of them, shall control said stock and all questions in relation thereto; and no property, persons, effects, or things within the territory or wards of the present town of Lamasco City, and not now taxable by the corporate authorities of the city of Evansville, shall ever be taxed to pay any of the principal or interest of the debt contracted by the city of Evansville to pay her subscription to the capital stock of said railroad company.

Debt con-  
tracted for  
payment  
of said  
stock, how  
paid.

*Fourth.* After the said annexation of the said town to said city shall have been consummated, the taxes which may be necessary to meet the principal and interest of the debt contracted by the city of Evansville to pay her subscription to said capital stock of said railroad com-

pany shall be levied, assessed and collected upon all other persons, property, effects and things, which are or may hereafter become subject to taxation by the corporate authorities of the united city, saving and excepting the property, persons, effects and things expressly exempted from such taxation by the next preceding section of this article.

*Fifth.* Nothing in the *third* article of this agreement shall be so construed as to exclude the councilmen of any territory which may be added to or incorporated into the city after the annexation of said town to said city shall be consummated, from having a voice in the control of said railroad stock; but the intention of this agreement is that the people of any such territory shall have the same rights in said railroad stock, and be subject to the same burdens with the people of the present city of Evansville.

*Sixth.* That an election be held on the twenty-sixth day of March, 1857, under the provisions of said act for the people of the city of Evansville and of the town of Lamasco City, to vote upon the question of the annexation of said town to said city, upon the terms specified in this agreement.

*Seventh.* It is further agreed and understood between the parties aforesaid, that until the town of Lamasco City is annexed under the act providing for the annexation of incorporated towns to incorporated cities, approved February 16, 1857, that the Marshal of the town of Lamasco City shall proceed to collect all taxes, delinquent or otherwise; but after the annexation of said town of Lamasco City to the city of Evansville, the delinquent taxes due for the years 1855 and 1856 and any previous year, shall be carried on to the duplicate tax list of the city of Evansville, and collected by the collector of taxes for the city of Evansville, in the same manner as the delinquent taxes of said city are now collected by law, and paid into the city treasury of Evansville.

Publication of  
agreement of  
annexation.

Election  
held in  
Evans-  
ville and  
Lamasco.

Result of  
election in  
Evans-  
ville.

Result of  
election in  
Lamasco.

AND WHEREAS, The said agreement was made public by publishing the same in all the newspapers printed in Vanderburgh county three times, three weeks before the twenty-sixth day of March, 1857, and by posting printed handbills containing said agreement in three of the most public places in each ward of the city of Evansville, and in each ward of the town of Lamasco City, as required by the third section of said act: *And whereas*, An election was held on the said twenty-sixth day of March, 1857, in said city, as well as in said town, at the places where other city and town elections are usually held in said city and town respectively, which election was held in pursuance of said act and of the aforesaid agreement: *And whereas*, The inspectors and judges of the election so held in the city of Evansville reported to the Common Council of said city, on the twenty-seventh day of March, 1857, that there were three hundred and ninety-two votes cast in said city at said election, of which three hundred and seventy were in favor of, and twenty-two against the annexation of the town of Lamasco City to the city of Evansville, which report was entered on the records of said Common Council, and a certified copy thereof was, on the twenty-eighth day of March, 1857, delivered to the Clerk of the town of Lamasco City: *And whereas*, The judges and inspectors of said election so held in the town of Lamasco City, did also, on the twenty-eighth day of March, 1857, report to the president and trustees of the town of Lamasco City that there were two hundred and sixty-eight votes cast in said town at said election, of which two hundred and thirty-nine votes were in favor of, and twenty-nine votes were against the annexation of said town to said city, which last mentioned report was entered on the records of the president and trustees of the town of Lamasco City, and a certified copy thereof was on the same day delivered to the Clerk of the city of Evansville.

And in pursuance of the premises, the Mayor and Common Council of the city of Evansville, and the President and Trustees of the town of Lamasco City, in joint convention assembled at the council chamber of the Common Council of the said city, do now here unanimously—

*Resolve and declare,* That the town of Lamasco City be and the same is hereby annexed to the city of Evansville, upon the terms and conditions specified in the said agreement made by and between the Common Council of the city of Evansville and the President and Trustees of the town of Lamasco City, as aforesaid, and that this resolution and the foregoing preamble shall be entered at large on the records of the Common Council of the city of Evansville, and that the Mayor and Clerk furnish to the Recorder of Vanderburgh county for record a duly certified copy of the proceedings of this meeting.

Resolution annexing the town of Lamasco City to the city of Evansville.

CHARTER OF THE

AN ACT to amend the seventy-first section of an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, and to add supplemental sections to said act.

[APPROVED MARCH 6, 1865.]

(See Acts of 1865, page 113.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the seventy-first section of an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, which section reads as follows, viz.:

Section  
recited.

"SEC. 71. At any time after this act takes effect, any territory adjoining the city of Evansville, which is or may be laid out in streets and lots, and the plat thereof recorded; or any part of any such territory so laid out in streets and lots, may be annexed to and included within the limits of the city of Evansville, in the manner hereinafter provided, viz.: Whenever three-fourths of the adult inhabitants of any such adjoining territory, who are freeholders therein, and own one-third of such territory, shall desire to have the same annexed to and included within the limits of said city; or whenever the owners in fee of one-half of any such territory, whether inhabitants thereof or not, shall desire to have the same annexed to or included within the limits of said city, and shall express such desire by a written petition, signed by three-fourths of such freehold inhabitants, or the owners of one-half of such territory, expressing therein distinctly the territory intended or

desired to be annexed to and included within the limits <sup>Section recited.</sup> of said city, the Common Council, upon such petition being presented to them, shall, if they think proper, enter such petition at full length upon their records, and order the territory described in such petition to be annexed to and included within the limits of said city; and thenceforth such territory shall be deemed and taken to be annexed to and within the limits of said city, and the inhabitants thereof members of the corporation hereby created, to all intents and for all purposes whatever, and the territory so annexed shall constitute one, or be divided into two or more wards of the city of Evansville, as shall be provided by an ordinance or ordinances of the Common Council, and such ward or wards shall be represented in the Common Council in the same manner as other wards of the city; and the Mayor and the Common Council, and all other officers of the city shall have the same jurisdiction over, and exercise the same powers within any territory so annexed, as they may have or exercise within the limits of the city of Evansville, as herein defined and prescribed, and also over and upon the Ohio River, and the shore thereof in front of such annexed territory: *Provided*, That no revenue assessed, collected or raised, without any territory so annexed as aforesaid, shall be expended for any improvements or repairs of streets, alleys, wharves or landings within or in front of such territory, or for any labor or service done or rendered in or for the benefit of such territory or the inhabitants thereof; nor shall any revenue raised, levied or collected within such territory be expended except in such territory and for the benefit of the same, or the inhabitants thereof, until the Common Council shall otherwise direct by a general ordinance, which ordinance shall not be passed without the consent of all the members of the Common Council representing such territory, if there be less than three, or a majority of them if there be three or more,"—

Be and the same is hereby amended to read as follows, viz.:.

*How amended.*

*Annexation of contiguous territory when platted and recorded.*

SEC. 71. Whenever there may be, or shall have been lots laid off and platted adjoining said city of Evansville, and a record of the same is made in the Recorder's office of Vanderburgh county, the Common Council of said city may, by resolution, extend the boundaries of said city so as to include such lots with the streets and alleys thereof, or any part or portion of the same, and the lots, streets and alleys thus annexed shall thereafter form a part of said city, and be within the jurisdiction of the same. The resolution of the Common Council annexing such lots shall refer to the recorded plat of such lots, and if the resolution shall not annex all the lots contained in such plat, it shall define the boundaries of the part or portion of said lots so annexed, and the Common Council of said city shall, within ten days from and after the adoption of any such resolution, cause a copy thereof, certified by the Mayor under the seal of the city, to be filed in the office of the Recorder aforesaid, and the same shall be recorded in said office.

*Annexation of contiguous territory when not platted and recorded.*

SEC. 2. When said city shall desire to annex contiguous territory thereto, not platted or laid off, the Common Council shall present to the Board of County Commissioners of said county a petition setting forth the reasons for such annexation, and shall accompany the same with a map or plat, accurately describing by metes and bounds the territory proposed to be attached, which shall be verified by affidavit.

Such Common Council shall give thirty days' notice, by publication in one or more newspapers of the city, of the intended petition, stating in such notice the territory to be annexed.

*Duty of county commissioners on reception of petition.*

SEC. 3. The Board of County Commissioners, upon the reception of such petition, shall consider the same, and shall hear the testimony offered for or against such annexation; and if, after inspection of the map, and of

all the proceedings had in the case, such Board is of the opinion that the prayer of the petition should be granted, it shall cause an entry to be made in the order-book, specifying the territory annexed, with the boundaries of the same, according to the survey, and they shall cause an attested copy of entry to be filed with the Clerk of the Circuit Court of such county, which shall be conclusive evidence of such annexation in all courts of this State; and the Common Council shall cause a plat of the annexed territory to be recorded; <sup>Entry to be made in order book</sup> <sup>Copy to be filed with clerk of circuit court.</sup> <sup>Plat to be made</sup> *Provided*, That twenty days' notice of the pendency of such petition shall be sufficient; which notice, in the <sup>Proviso.</sup> absence of any person owning property proposed to be annexed, may be served on his agent, or by publication in some newspaper printed and published in said city.

SEC. 4. The Common Council of said city shall have power to regulate all inns, taverns, <sup>Power to regulate inns, taverns, etc.</sup> or other places used or kept for public entertainment; also all shops and other places kept for the sale of articles to be used in and upon the premises.

SEC. 5. If any real or personal property within said city, or any money or capital within said city, which is or may be taxable under the provisions of said act of <sup>Property omitted in the assessment, how assessed afterwards.</sup> January 27, 1847, shall be omitted from the assessment rolls of said city for any year, it shall be lawful for the Common Council of said city, at any time before the time limited for the making of the collecting officer's final return of his duplicate and proceedings, to cause such property, money, or capital to be assessed and added to the assessment roll of said year, and to be carried forward to the duplicate in the hands of the collector, with the proper amount of taxes charged to the owner, under such rules and regulations as said Council may, by general ordinance, prescribe; and said taxes may be collected in like manner, and to the same extent, as if such property, capital, or money had been included in the original assessment roll, and regularly

Proviso.

carried forward to the duplicate at the proper time : *Provided, however,* That when any assessment shall be made under the provisions of this section, the owner, or his agent, shall, whenever practicable, be notified of such assessment, so that he may appear before the Common Council and have such assessment corrected, modified, or equalized ; and it shall be lawful for the Common Council to make such corrections, modification, or equalization of such additional assessments as the facts may require.

Mer-  
chants' re-  
turns, how  
made.

SEC. 6. Every person who shall own, or have in his possession, or subject to his control, any personal property within said city subject to taxation under said act of January 27, 1847, with authority to sell the same, which shall have been purchased either in, or out of this State, with a view of being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this State, shall be held to be a merchant, and at all times when he shall, in pursuance of the said act of January 27, 1847, or of the ordinances made, or to be made, in accordance therewith, be required to make out and deliver to the Assessor of said city a statement of his other personal property, he shall state and attest on oath or affirmation the value of such property appertaining to his business as a merchant ; and in estimating the value thereof, he shall take as a criterion the average value of all such articles of personal property he shall have had from time to time in his possession, or under his control, during the year ending on the thirty-first day of March next previous to the time of making such statement, if so long he shall have been engaged in business, and if not, then during such time as he shall have been so engaged, and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the said next preceding year in which the person making such statement shall have been engaged

in business, adding together such amounts, and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year: *Provided*, That no consignee shall be required to list for taxation the value of any property, the product of this State, which shall have been consigned to him for sale, or otherwise, from any place within this State, or the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: *Provided*, He <sup>Proviso.</sup> shall, in either case, have no interest in such property, nor in any profit to be derived from its sale; and the word "person," as used in this and the next succeeding section, shall be held to mean and include firm, company, or corporation.

SEC. 7. Every person who shall purchase, receive, or hold personal property of any description subject to taxation, under said act of January 27, 1847, for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making gain or profit by so doing, shall be held to be a manufacturer, and shall at all times when, by virtue of the said act of March 27, 1847, or of the ordinances made in pursuance thereof, he is required to make out and deliver to the Assessor of said city a statement of the amount or value of his other personal property subject to taxation under said act, also state the average value estimated, as provided in the preceding section, of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining rectifying, or refining, which from time to time he shall have had on hand during the year next previous to the time of making such statement, if so long he shall have been engaged in such manufacturing business, and if not, then during the time he shall have been so engaged

within said city, and such statement shall be attested on oath; but in determining the value of all articles manufactured by him and remaining on hand unsold, the cost of the materials entering into their combination or of which they were made, with the cost of the materials used or consumed in the process of manufacturing, combining, rectifying, or refining, shall be taken as the criterion of value for the purpose of taxation.

General  
law incor-  
porating  
cities not  
to be  
adopted by  
the com-  
mon coun-  
cil.

SEC. 8. It shall not be lawful for the Common Council of said city, from and after the taking effect of this act, to adopt the general law for the incorporation of cities, approved March 9, 1857, and thereby surrender its present charter, without first obtaining the consent of a majority of the qualified voters of said city to such adoption, to be ascertained by an election to be held under such regulations as may be prescribed by a general ordinance of said city; of which election, and the object and purpose thereof, at least fifteen days' previous notice shall be given by publication in all the newspapers of said city.

Emergen-  
cy.

SEC. 9. An emergency is hereby declared for the immediate taking effect of this act, and the same shall therefore be in force from and after its passage; and the Secretary of State shall forward a copy thereof to the Mayor of said city, who shall cause it to be published in some newspaper of said city.

Proof of  
publica-  
tion.

STATE OF INDIANA,  
VANDERBURGH COUNTY, } ss.  
CITY OF EVANSVILLE,

F. M. Thayer, one of the publishers of the Evansville Daily Journal, a newspaper printed at said city, being duly sworn, says, that the foregoing act, entitled "An Act to amend the seventy-first section of an act entitled 'An Act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,' approved January 27, 1847, and to add supplemental sections to said act," was published in said Evansville

Daily Journal, and that its first insertion was in the paper issued on the 16th day of March, 1865.

F. M. THAYER.

Subscribed and sworn to this 20th day }  
of March, 1865, before me. }  
W. BAKER, Mayor. }

AN ACT to amend the fortieth clause of section thirty of an act entitled "An Act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27th, 1847, and declaratory of the meaning of the second section of the same act.\*

[APPROVED DECEMBER 21, 1865.]

SECTION 1. Whereas, section thirty of an act entitled "An Act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, reads as follows: †

"SEC. 30. The Common Council shall have the control and management of the finances and of all the property, real and personal, belonging to said city, and shall have full power and authority, for and within said city to make, establish, publish, alter, modify, amend, and repeal by-laws, ordinances, rules and regulations, for the following purposes and on the following subjects, to-wit:

"Fortieth. To take stock in any chartered company for making roads to said city, or for watering said city, and in any company authorized or empowered by the Board of Commissioners of Vanderburgh County to build a bridge on any road leading to said city; and to establish, maintain, and regulate ferries across the Ohio River from the public wharves of said city: *Provided*, That no stock shall be subscribed or taken by the Common Council in any such company unless it be on the petition of two-thirds of the residents of said city, who are freeholders of the city, distinctly setting forth the company in which stock is to be taken, and the number and amount of shares to be subscribed: *And provided*

Section recited.

\*Amended. See act of March 11, 1867.—post.

†For section 30 entire, see ante.

also, That in all cases where such stock is taken, the Common Council shall have power to borrow money and levy and collect a tax on all real estate (either inclusive or exclusive of improvements, at their discretion) for the payment of said stock."

AND WHEREAS, It is deemed expedient to amend the fortieth clause of said section thirty, therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the said fortieth clause of section thirty of said act be amended so as to read as follows :

How  
amended.

Common  
Council  
may con-  
struct wa-  
ter works.

May take  
stock in  
company to  
make  
road.

Or in com-  
pany to  
purchase  
lands for  
cemeteries  
parks, wa-  
ter works,  
etc.

Proviso.

*Fortieth.* The Common Council of the city of Evansville shall have power to construct or provide for the construction of works for furnishing said city and its inhabitants with water, and to furnish water for public and private use in said city, or cause the same to be furnished ; and to take stock in any chartered company organized under the laws of the State, for the purpose of constructing such works and furnishing water as aforesaid, or for the purpose of making a road of any kind to said city, or for the purpose of building a bridge on any road leading to said city ; and to purchase, hold and regulate the use of lands within or without the limits of the city for cemeteries, public parks, or grounds for the amusement and recreation of the people, and for water works, and to lease, sell and convey the same at their discretion : *Provided*, That no stock in any such company shall be taken unless the Common Council be requested in writing to take the same by two-thirds of the residents of said city who own real estate wthin said city, or unless a majority of the qualified voters of said city, who shall have paid a city tax within twelve months next before voting, shall vote in favor of taking such stock, at an election held for the purpose of voting on that subject exclusively, in pursuance of an order of the Common Council fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof ; and whether

a majority of such qualified voters are in favor of taking such stock or not, shall be determined by the legal votes actually cast at such election: *Provided, further,* That in all cases where stock shall be taken as above provided, the Common Council shall have power to borrow money, issue bonds and levy and collect taxes in addition to the ordinary revenue, to pay for such stock. All taxes so levied shall be *ad valorem*, and taxes levied to pay for stock subscribed for, in pursuance of the written request of two-thirds of the residents owning real estate, as above provided, shall be levied upon real estate only; but taxes levied to pay for stock taken in pursuance of an election held as above provided, shall be levied upon all the real and personal estate subject to taxation in said city, for city purposes, and all such taxes shall be levied and collected with and as a part of the taxes regularly and annually assessed and collected for city purposes, and subject to the same laws and regulations; and the Common Council aforesaid shall have power to establish, maintain and regulate ferries across the Ohio river from the public wharves of said city.

SEC. 2. That Section 2 of said act, which reads as follows, viz: "From and after the first Monday in April, A.D. 1847, the people residing in the territory mentioned in the first section of this act shall become and be a body politic and corporate, by the name, style and title of the City of Evansville, and in and by such name shall be able and capable in law and in equity to contract and be contracted with, sue and be sued, complain and defend in any court of competent jurisdiction; they shall have power to make, have and use a common seal, and the same to alter, destroy and renew at pleasure; to take, purchase, hold and convey such real and personal estate as the purposes of the corporation may require; to survey, make and establish the boundaries of said city and all future enlargements of the same; to ordain, establish, enforce and put in execution such rules, by-laws,

Section recited.

ord' s and regulations as shall be deemed proper  
essary for the good government of said city, and  
t. ell-being of the inhabitants thereof, and generally  
t do all other acts and things which the good of the  
inhabitants of said city may require, not inconsistent  
with the constitution of the United States, or the con-  
stitution and laws of this State, and consistent with the  
object of the corporation," is hereby declared to include  
and have included the power to provide and furnish said  
city and the inhabitants thereof with gas lights, either  
by erecting gas works or by making a contract or con-  
tracts with any person or persons, or company or com-  
panies, for the furnishing of said city and the inhabitants  
thereof with gas lights, on such reasonable terms as may  
be or may have been agreed upon between said city and  
such person or persons; and no contract heretofore  
made by the corporate authorities of said city with any  
person or persons, firm or corporation, providing for the  
furnishing said city and the inhabitants thereof with gas  
lights, shall be construed or held to be invalid on the  
ground of a want of power on the part of said city to  
make the same; but all such contracts heretofore made  
by said city for that purpose, which do not grant to the  
person or persons, firm, company or corporation with  
whom made, the exclusive privilege, for more than fifty  
years from the date thereof, of laying pipes for con-  
ducting gas under the streets, lanes, alleys, public  
grounds and thoroughfares of said city, are, so far as  
concerns the power of said city to make the same, legal-  
ized, and shall be deemed as valid as if made after the  
passage of this act.

Emergen-  
cy.

SEC. 3. An emergency is hereby declared for the im-  
mediate taking effect of this act, and the same shall  
therefore be in force from and after its passage.

AN ACT to amend the first section of an act entitled "An Act to amend the fortieth clause of section thirty of 'An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,' approved January 27th, A. D. 1847, and declaratory of the meaning of the second section of the same act," approved December 21st, 1865, so as to authorize the Common Council of said city of Evansville to subscribe for and take stock in the Evansville, Henderson and Nashville Railroad Company, or any other company or corporation organized under and by virtue of the laws of the Commonwealth of Kentucky for the purpose of constructing a railroad leading from Nashville, in the State of Tennessee, to a point on the Ohio River, at or near Evansville, Indiana.

[APPROVED MARCH 11, 1867.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of said act, which reads as follows, viz.:

"SEC. 1. *Fortieth.* The Common Council of the city of Evansville shall have power to construct, or provide for the construction of, works for furnishing said city and its inhabitants with water, and to furnish water for public and private use in said city, or cause the same to be furnished; and to take stock in any chartered company organized under the laws of this State, for the purpose of constructing such works, and furnishing water, as aforesaid, or for the purpose of making a road of any kind to said city; and to purchase, hold and regulate the use of lands within or without the limits of the city, for cemeteries, public parks, or grounds for the amusement and recreation of the people, and for water-works, and to lease, sell and convey the same at their discretion; *Provided,* That no stock in any such company shall be taken, unless the Common Council be requested, in writing, to take the same, by two-thirds of the residents of said city, who own real estate within said city, or unless a majority of the qualified voters of said city, who shall have paid a city tax within twelve months next before voting, shall vote in favor of taking such stock, at an election held for the purpose of voting on that subject, exclusively, in pursuance of an order of the Common Council, fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof; and

Section 1,  
recited.

whether a majority of such qualified voters are in favor of taking such stock or not, shall be determined by the legal votes actually cast at such election; *Provided, further,* That in all cases where stock shall be taken as above provided, the Common Council shall have power to borrow money, issue bonds, and levy and collect taxes, in addition to the ordinary revenue, to pay for such stock. All taxes so levied, shall be *ad valorem*, and taxes levied to pay for stock subscribed for, in pursuance of the written request of two-thirds of the residents owning real estate, as above provided, shall be levied on real estate only; but taxes levied to pay for stock taken in pursuance of an election, held as above provided, shall be levied upon all the real and personal estate, subject to taxation, in said city, for city purposes, and all such taxes shall be levied and collected with and as a part of the taxes regularly and annually assessed and collected for city purposes, and subject to the same laws and regulations; and the Common Council aforesaid shall have power to establish, maintain, and regulate ferries across the Ohio River, from the public wharves of said city," be and the same is hereby amended to read as follows, viz.:

Section 1.  
as amended.

Power of  
the Com-  
mon  
Council.

[SEC. 1.] *Fortieth.* The Common Council of the city of Evansville shall have power to construct, or provide for the construction of, works for furnishing said city and its inhabitants with water, and to furnish water for public and private use in said city, or cause the same to be furnished, and to take stock in any chartered company organized under the laws of this State, for the purpose of constructing such works, and furnishing water as aforesaid: or for the purpose of making a road of any kind leading to said city, or for the purpose of building a bridge on any road leading to said city, and to subscribe and take stock in the Evansville, Henderson and Nashville Railroad Company, a corporation created by the Legislature of the Com-

monwealth of Kentucky, or any other company or corporation, organized under and by virtue of the laws of said Commonwealth of Kentucky, for the purpose of constructing a railroad from Nashville, in the State of Tennessee, to a point on the Ohio River, at or near Evansville, Indiana; and to purchase, hold and regulate the use of lands within or without the limits of the city, for cemeteries, public parks, or grounds for the amusement and recreation of the people, and for water-works, and to lease, sell and convey the same at their discretion; *Provided*, That no stock in any such company shall be taken, unless the Common Council be requested, in writing, to take the same, by two-thirds of the residents of said city, who own real estate within said city, or unless a majority of the qualified voters of said city attending and voting, who shall have paid a city tax within twelve months next before voting, shall vote in favor of taking such stock, at an election held for the purpose of voting on that subject, exclusively, in pursuance of an order of the Common Council, fixing the time and place, or places, of holding such election, and the manner of conducting the same, and the notice to be given thereof; *Provided, further*, That in all cases where stock shall be taken, as above provided, the Common Council shall have power to borrow money, issue bonds, and levy and collect taxes in addition to the ordinary revenue, to pay for such stock, or for the interest accruing on such borrowed money, or bonds, or to provide a sinking fund for the payment of such bonds when they shall be due. All taxes so levied shall be *ad valorem*, and taxes levied to pay for stock subscribed for, in pursuance of the written request of two-thirds of the residents owning real estate only; but taxes levied to pay for stock subscribed for, in pursuance of an election held, as above provided, shall be levied upon all the real and personal estate subject to taxation, in said city, for city purposes, and all such taxes shall be levied and collected with, and as a part

of the taxes regularly and annually assessed and collected for city purposes, and subject to the same laws and regulations; and the Common Council aforesaid shall have power to establish, maintain and regulate ferries across the Ohio River, from the public wharves of said city.

<sup>Emergency.</sup> SEC. 2. An emergency is hereby declared for the immediate taking effect of this act, and the same shall therefore be in full force from and after its passage.

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AN ACT to revive and amend the sixth section of an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27th, 1847.

[APPROVED MARCH 11, 1867.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixth section of an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, which section reads as follows, viz.:

<sup>Section 6  
recited.</sup> "SEC. 6. All elections shall be by ballot, and all elections (except to fill vacancies) shall be held on the first Monday in April annually. A poll shall be opened in each ward for the reception of votes, and every free white male citizen of the age of twenty-one years, who has resided in this State one year, and in said city six months, and the ward in which he offers his vote one month next preceding such election, shall be entitled to a vote in the ward in which he resides, and not in any other ward," be and the same is hereby revised and amended to read as follows :

<sup>Section 6.  
as amended.</sup> SEC. 6. All elections shall be by ballot, and (except to fill vacancies) shall be held on the first Monday in April, annually, at such place in each ward or election precinct, as the Common Council shall designate, of which place at least fourteen days notice shall be given

<sup>Elections,  
time of.</sup>

by advertisement in some newspaper printed and published in said city, and every person entitled to vote at State and county elections, under the Constitution and laws of this State, and who shall have resided within the limits of this city, six months next preceding such election, and shall have paid all taxes of every description due from him to said city, and none others, shall be entitled to vote (except as hereinafter provided), and the receipt of the Collector of the Revenues of said city, for all taxes due as aforesaid, or the Collector's certificate that no tax stands charged against him, shall be received by the judges of any election, as proof that all taxes against the party applying to vote have been paid, and in the absence, or for want of such receipt or certificate, the person applying to vote shall be required to swear or affirm, positively, that all such taxes have been fully paid by him, or that he has applied to the Collector and was assured by him that there were no taxes charged against him on the duplicate, and for the purpose of enabling the officers of such election faithfully to discharge their duties, and to guard against imposition, the Inspector of such election shall administer an oath or affirmation to any person who may offer to vote at such election without exhibiting such receipt or certificate as aforesaid, and interrogate him, under oath, touching the payment of such taxes, and also &c. touching all his other qualifications, and any person testifying falsely upon such examination respecting his aforesaid qualifications, shall be guilty of perjury, and shall be liable to be indicted, convicted and punished therefor, under the general laws of the State of Indiana for the punishment of the crime of perjury. The Inspector of any election may, also, require any and every person, of whose legal right to vote the Judges of such election may have doubts, to answer, under oath, all questions touching his qualifications to vote at such election; and any person answering such questions falsely, shall be guilty of perjury, and, upon conviction

Notice of  
place shall  
be given  
by the  
Common  
Council.

Who enti-  
tled to vote  
at such  
elections.

Inspector  
of election  
may ad-  
minister  
oath to  
party of-  
fering to  
vote, and  
interro-  
gated him.

Persons  
testifying  
falsely to  
be indict-  
ed and  
punished  
for perju-  
ry

Inspector  
may re-  
quire any  
person of-  
fering to  
vote to an-  
swer ques-  
tions un-  
der oath.

Persons answering falsely under such oath to be guilty of perjury and punished. thereof, shall be punished under the laws of the State of Indiana for the punishment of the crime of perjury; *Provided, however,* That no person otherwise qualified to vote under the provisions of this section, shall be prevented from voting on the ground of having failed to pay his taxes, where there is a *bona fide* controversy between him and the city pending in any court of competent jurisdiction, as to the amount or legality of such taxes, or any part thereof.

In case of controversy as to taxes.



## AN ACT

Repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified.

[APPROVED DECEMBER 20, 1865.]

(See Acts of 1865, Special Session, page 39.)

SECTION 95. Nothing in the act approved March 9th, 1857, entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," shall be deemed or construed to have repealed an act entitled "An act to enable the Common Council of the several incorporated cities of this State to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the roll thereof returned, and the time within which the city tax roll or duplicate shall be made and delivered to the collecting officers; and also the time within which such collecting officers shall make their collections and returns," approved March 7th, 1857, so far as the provisions of said act relate to cities operating under special acts of incorporation, nor shall any thing in this act be construed to repeal said act of March 7th, 1857, so far as it applies to cities operating under such special charters.

**A List of the Several Enlargements which Constitute the City of  
Evansville, Showing the time when each of said En-  
largements became a part of said City.**

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1. Original Plan, Donation Enlargement, Lower or McGary's Enlargement, Upper Enlargement and Eastern Enlargement, incorporated as the City of Evansville, 1847.
2. Baker's Addition, annexed 1854.
3. Lamasco, including Fourth Enlargement, Stockwell's Enlargement, Greek's Enlargement, Sharpe's Enlargement, Northern Enlargement, Carpenter Place, Battelle Place and Huston's Addition, annexed 1857.
4. Crescent Enlargement, annexed 1857.
5. Union, Ashland and Avon Places, annexed 1865.
6. Seminary Enlargement, annexed 1865.
7. Orr and Harrison's Enlargement, annexed 1865.
8. Lilleston's Enlargement, annexed 1865.
9. Garvin's Addition, annexed 1865.
11. Lilleston & Lockhart's Enlargement, annexed 1865.
12. Holzgrafe's Enlargement, annexed 1865.
13. Isabella Place, annexed 1865.
14. Southern Enlargement, annexed 1865.
15. Lilleston and Larabee's Enlargement, annexed 1865.
16. McInnerney's Enlargement, annexed 1865.
17. Elliott's Addition, annexed 1865.
18. H. Brinkmeyer's Enlargement, annexed 1865.

19. F. W. Brinkmeyer's Enlargement, annexed 1865.
20. Bray's Enlargement, annexed 1865.
21. Carpenter Field Enlargement, annexed 1865.
22. Bull's Head Enlargement, annexed 1865.
23. Hubbard's Addition, annexed 1865.
24. Main Street Enlargement, annexed 1865.
25. Northeastern Enlargement, annexed 1865.
26. Dixon's Addition, annexed 1865.
27. Goodsell's Enlargement, annexed 1866.
28. Southeast quarter section 19, township 6, south of range 10, west; known as Brinkmeyer's Enlargement, annexed 1866.
29. All that part of fractional section No. 31, township 6, south of range 10, west; known as Union Place, annexed 1866.
30. All that part of southwest quarter of section No. 29, township 6, south of range 10, west, (Blackford's Grove); also, all that part of territory situated east of Eighth street and southwest of Tenth street, (Ingle's Addition), annexed 1866.
31. All that part of the southeast quarter of section 19, township 6, south of range 10, west, (Archer's Addition), annexed 1866.
32. The southwest quarter of section No. 20, township 6, south of range 10, west, (Goodsell's Enlargement), annexed 1866.
33. German Building Association Tract, annexed 1868.
34. Heinlein's First Addition, situate between Eleventh and Fourteenth streets, annexed 1868.
35. All that part of Decker's First Addition which is situate between Eleventh and Thirteenth streets, annexed 1868.
36. All that part of Rockwell's Addition which is situated between Eleventh and Thirteenth streets, annexed 1868.
37. All that part of Jacobsville which is situated

between Eleventh and Fourteenth streets, annexed 1868.

39. All that part of the southeast quarter of section 19, township 6, south of range 10, west; known as the Longworth Tract, annexed 1868.

40. All that part of Heinlein's Addition which is situated north of Third street, and extending to the north side of Nineteenth street, annexed 1870.

41. All that part of Morgan's Addition, (by which name it is known), annexed 1870.

42. All that part of Lamasco east of Pigeon creek; also, all that part of Lamasco west of Pigeon creek called Independence, annexed 1870.

43. All that part of the town of Springdale, annexed 1870.

44. All that part of the German Building Association extending from Thirteenth street to Nineteenth street, annexed 1870.

45. That tract of land known as Parrett's Enlargement of Goodsellville, situated on that part of section 32, township 6, south of range 10, west, annexed 1870.

46. That tract of land known as Ewing's Addition, situated on the east side of section 31, township 6, south of range 10, west, annexed 1870.

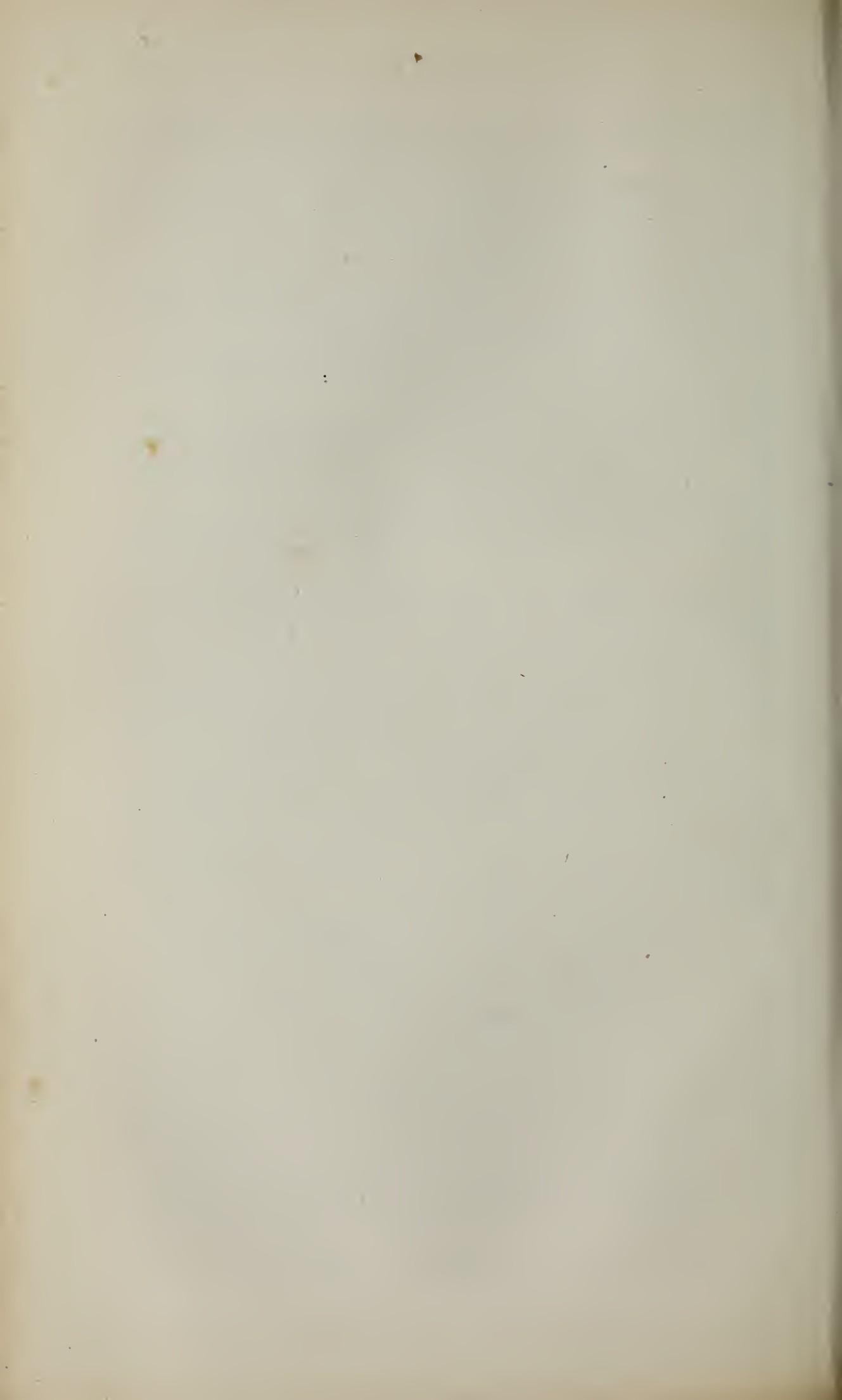
47. That part of addition known as Garvin & Brower's Addition, annexed 1870.

48. Shanklin's Addition, annexed 1870.

49. Part of Jacobsville, annexed 1870.

50. Mill's Addition, annexed 1870.

51. Independence, annexed 1870.



## ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA RELATING TO INCORPORATED CITIES.

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### CITY PRISONS.

AN ACT to authorize incorporated towns and cities to erect prisons, and to authorize the imprisonment therein of persons convicted of offences against the laws of such incorporation, or of offences against the penal laws of this State, and, also, persons charged with offences punishable by indictment or presentment, temporarily, and to provide for the use of county jails by such incorporation in certain cases.

[APPROVED JUNE 1, 1861.]

(See Acts of Special Session of 1861, page 21.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any incorporated town or city shall have power to erect a prison within the limits of such town or city; and it shall be lawful to imprison therein persons convicted of offences against the laws of such incorporation, or for offences against the penal laws of this State, and, also, persons charged with offences punishable by indictment or presentment, temporarily, until they can be conveniently removed to the county jail. So far as the same shall be applicable, the law governing county jails shall be the law of such town or city prison; and in all cases where the county jails are convenient, they may be used for town purposes until a town or city prison shall be erected.

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### STREET RAILROADS.

AN ACT to provide for the incorporation of street railroad companies.

[APPROVED JUNE 4, 1861.]

(See Acts of Special Session of 1861, page 75.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any number of persons, not less

Five persons may form company.

Directors to be elected.

Subscribers to articles of association to form body politic.

Corporation may hold and convey property.

Evidence of incorporation.

than five, being subscribers to the stock of any contemplated street or horse railroad company, may be formed into a corporation for the purpose of constructing, owning, and maintaining street or horse railroads, switches or side-tracks upon and through the streets of the cities and towns within the State, by complying with the following requirements: Whenever stock to the amount of at least ten thousand dollars shall have been subscribed, the subscribers to such stock shall elect directors for such company from their own number, and shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the amount of capital stock of the company, the number of shares of which said stock shall consist, the number of directors and their names to manage the affairs of the company, and the city or town in which it is proposed to construct such road.

SEC. 2. The articles of association formed in pursuance of the provisions of the preceding section, and thereupon the persons who have subscribed the same, and all persons who shall become stockholders in said company, and their successors, shall be a body politic and corporate, in perpetuity, by the name stated in the articles of association, and shall be capable of suing and being sued, and may have a common seal, the same to alter at pleasure.

SEC. 3. The said company shall be capable of purchasing, holding and conveying any real or personal property whatever necessary for the construction and equipment of the road, switches and side-tracks, and for the erection of all necessary buildings and yards, and may buy, own and sell any kind of property that may be necessary to properly conduct or carry on the business of such road.

SEC. 4. A copy of any articles of association filed in pursuance of this act, and certified to be a correct copy by the Secretary of State, or his deputy, shall in all

courts or places be evidence of the incorporation of such company, and of the facts therein stated.

SEC. 5. Such company may construct their track, switches, side-tracks or turn-outs upon the streets of said cities or towns under the following conditions and restrictions: The said track shall be constructed upon the center or side of said streets, and shall conform exactly to the established grade of such street. The free passage of the streets of such city or town, occupied or used by said company, shall be impeded or obstructed by such company only to the extent necessary for the purposes for which said company was organized; the points where such track shall intersect and cross the streets of such city or town shall be so arranged by said company as to render the crossing as passable and in as good condition as any other portion of the street; the track shall be from four to five feet in width.

SEC. 6. Such company may from time to time borrow such sums of money as may be necessary for completing or operating their railroad, and may issue and dispose of their bonds for any amount so borrowed for such sums and for such rate of interest as is allowed by the laws of the State where the contract is made, and mortgage their corporate property and franchises to secure any debt contracted by such company.

SEC. 7. The said subscribers to the stock of such contemplated road shall, as soon as the number named in the first section shall have signed the same, proceed to the election of directors, who shall serve for the term of one year, and the said directors shall elect the following officers, to-wit: President, Vice-President, Secretary and Treasurer, whose term of office shall be for one year and until their successors are elected and qualified.

SEC. 8. There shall be an annual meeting of the stock-holders held at the office of such company, for the election of directors to serve for the ensuing year; not

Restrictions as to laying tracks, &c.

May borrow money and issue bonds.

Officers to be elected.

Annual meeting and election.

less than three nor more than seven directors shall be chosen at such meeting of such stockholders, by ballot, and by a majority of the stockholders present in person and by proxy, and every such stockholder being so present, shall be entitled to give one vote for every share of stock owned by him. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen.

Directors  
may adopt  
by-laws.

SEC. 9. The directors of such company shall have power to make by-laws for the management and disposition of stock, property and business affairs of such company not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants that may be employed, and for the appointment of all officers for the carrying on all business within the objects and purposes of such company, and for regulating the running time, fare, &c., of said road or roads.

Stock  
transferring  
able.

SEC. 10. The stock of such company shall be transferable in the manner prescribed by the by-laws of the company, and shall be considered personal property.

SEC. 11. This act may be amended or repealed at the discretion of the Legislature.

Powers of  
cities not  
restricted  
by this act.

SEC. 12. Nothing in this act contained shall be so construed as to take away from the common councils of incorporated cities the exclusive powers now exercised over the streets, highways, alleys and bridges within the corporate limits of such cities; and all street railroad companies which may be organized under the provisions of this act shall first obtain the consent of such Common Council to the location, survey and construction of any street railroad through or across the public streets of any city before the construction of the same shall be commenced.

Stock-  
holders in-  
dividually  
liable.

SEC. 13. The stockholders in such company or corporation shall be individually responsible to an amount

over and above their stock equal to their respective shares of stock, for all debts or liabilities of said company or corporation.

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AN ACT authorizing street or horse-car railway companies to use State, county or township roads, or other public highways, for their railway track, under certain conditions and regulations.

[APPROVED MARCH 6, 1865.]

(See Acts of 1865, page 63.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any street or horse-car railway company organized under the laws of the State of Indiana, and operating such road within any of the incorporated towns and cities of the State, and desiring to extend their road beyond such town or city limits, on any State or county road, or other public highway, may do so after procuring the consent of the Board of County Commissioners of such county.

SEC. 2. If such road or highway is graveled or planked, and being tolled by a gravel or plank road company, such street or horse-car railway company shall also be required to procure the consent of such gravel or plank road company to run their road over such gravel or plank road, which consent, when given, shall not be revoked by such gravel or plank road company.

SEC. 3. Such street or horse-car railway company, operating such road outside of such town or city limits, shall have the same protection, and in its running be governed by the same regulations prescribed for it within such town or city.

SEC. 4. Such street or horse-car railway company shall, in all cases in which any road or highway shall be used by them for the purposes expressed in this act, locate their track in the center of said road or highway, as near as may be, and shall complete the same within a reasonable time from commencing the same, and in

all cases they shall leave the road or highway in as good repair as the same was found by them at the commencement of the building of the railway.

Emergency. SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act, it is therefore declared that it shall take effect and be in force from and after its passage.

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AN ACT to allow cities and towns to permit the location of railroads on the streets and alleys, for the purpose of conveying coal into and through said cities and towns.

[APPROVED MARCH 6, 1865.]

(See Acts of 1865, page 51.)

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Trustees of any town, or the Common Council of any city, may grant to any person, or corporation, or company, the right and privilege to locate and run a railroad track through said town or city, on the streets or alleys thereof, for the purpose of conveying coal into or through said town or city, under such restrictions and regulations as the Trustees or Common Council may require.

SEC. 2. And whereas an emergency exists for the immediate taking effect of this act, it shall be in full force from and after its passage.

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#### WATER WORKS.

AN ACT to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof.

[APPROVED MARCH 6, 1865.]

(See Acts of 1865, page 103.)

Company  
to con-  
struct wa-  
ter works  
may be  
formed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever the City Council of any incorporated city in the State of Indiana shall by resolution declare that it is expedient to have con-

structed works for the purpose of supplying such city and the inhabitants thereof with water, but that it is inexpedient for such city, under the powers granted in its act of incorporation, to build such works, it shall be lawful for the inhabitants of any such city and others to organize a company for the construction of such water works.

SEC. 2. Any number of persons not less than twelve, Company how formed. desirous of forming a company for such purpose, shall make, sign and acknowledge, before some officer authorized to take acknowledgments of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the amount of capital stock, the term of its existence, not, however, to exceed fifty years, the number of directors, the names of those who shall manage the affairs of the company for the first year, or until their successors are elected and qualified, and the name of the city in and for which such works are to be constructed and the business of the company carried on. Such certificate shall be filed in the office Certificate where to be filed. of the Recorder of the county in which such city is situate, and shall be then placed upon record, and a duplicate thereof shall be filed in the office of the Secretary of State.

SEC. 3. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, and by their corporate name may take, hold and convey all such real estate as shall be necessary to carry on the operations and effect the objects and purposes of said company, and it shall be lawful for such company to enter upon any lands for the purpose of examining and surveying the same, for the site or sites of water works, reservoirs and line of water pipes of such company, and to take and appropriate so much thereof as may be deemed necessary for the same, and to that end and purpose said company

May hold and convey real estate.  
May appropriate lands.

shall be entitled to the writ of assessment of damages provided by law.

Number  
of direct-  
ors.

Election of  
officers.

**SEC. 4.** The business of said company shall be managed by a board of not less than nine nor more than thirteen directors, who shall be stockholders therein, and a majority of whom shall be residents of such city, and a majority of the directors chosen shall be a quorum. There shall be an election of directors within one year from the filing of the articles of association, and annually thereafter, at such time as shall be fixed by the by-laws of such company; three weeks notice thereof shall be given by publication in a newspaper of general circulation in such city; the stockholders shall be entitled to vote, either in person or by proxy.

**SEC. 5.** The officers of such company shall be a president, who shall be one of the directors, a secretary and treasurer, and such other officers, agents and servants as the board of directors shall deem necessary for the transaction of the business of the company. Such officers shall be elected annually by the directors, and shall all be required to give bond, with penalty and surety to the approval of said board of directors, conditioned for the faithful discharge of their respective duties, and shall also take an oath of office.

**SEC. 6.** The amount of the capital stock shall be fixed by the company, but may be increased by a vote of the stockholders at any annual meeting, and such capital stock be divided into shares of not more than one hundred dollars each.

City may  
take stock.

**SEC. 7.** Any such city may become a stockholder in any such company, whenever the Common Council shall so direct, by resolution duly entered upon their minutes. Such resolution shall specify the number of shares to be taken, and shall require the Mayor to carry out the direction by subscribing for the number of shares indicated upon the books of the company; and any railroad company of this State may subscribe

for and own stock in such company, and shall be entitled to all the rights and privileges of other stockholders; and to provide for the payment of such stock subscription, it shall be lawful for any such city to issue bonds, payable at such times as the Common Council shall direct, and bearing interest at any rate not exceeding seven per centum per annum, and to negotiate the same upon the best terms they can obtain.

SEC. 8. When any such company shall have been organized under the provisions of this act, and after at least one-half of the capital stock authorized by its articles of association shall have been subscribed, it shall be the duty of the Common Council of the city in or for which such company may propose to erect water works, by resolution duly passed and entered upon its minutes, to grant to such company such right to the use of the streets, alleys, wharves, and public grounds of such city as shall be necessary to enable such company to construct the proper works for the supply of water for the use of such city and its inhabitants: *Provided*, That the Common Council of such city may impose such just and reasonable terms, restrictions, and limitations upon such company, in reference to the manner in which such streets, alleys, wharves, and public grounds are to be used, and in reference to the charging and collecting of tolls, water-rents, or other compensation for the supply of water to be furnished by such company to such city and its inhabitants, as shall be necessary to guard against the improper use of such streets, alleys, wharves, and public grounds, and to protect said city and its inhabitants from the imposition of any undue or excessive rates or charges for the supply of water; but no restriction shall be imposed by said Common Council which will prevent such company realizing upon its capital stock an annual income or dividend of ten per cent., after paying the cost of all the necessary repairs and expenses.

When city  
may pur-  
chase pro-  
perty, and  
corporate  
rights of  
company.

SEC. 9. That from and after the expiration of twenty-five years from the time of the organization of any such company, the Common Council of the city in or for which such company may have erected its works shall have the right and privilege of purchasing from such company all the buildings, fixtures, apparatus, and property of such company, with all its corporate rights and privileges, at such price as may be agreed upon between the Common Council of such city and the Board of Directors of such company; and in case of disagreement between the parties, the price to be ascertained and determined by five disinterested persons, non-residents of such city, two of whom to be chosen by said Common Council and two by the Board of Directors of such company, and the fifth by the four so chosen: *Provided*, That the right of such city to purchase such works shall accrue immediately, if at the end of twelve years from the time of the organization of such company, or at the expiration of any year thereafter, it shall appear that such company has imposed and collected such rates or charges for the supply of water as shall have caused the average annual income or dividends of such company upon its capital stock to exceed ten per cent., after paying the cost of all necessary repairs and expenses, and exclusive of one and a half per cent. per annum, which may be set apart and reserved as a surplus or contingent fund.

Water  
rent, how  
fixed.

SEC. 10. Such company shall have power and authority to charge and collect from such city and the inhabitants thereof, and all others, such rates for the water so furnished as shall be fixed by its by-laws, rules, and regulations, subject only to the restrictions imposed by such Common Council as aforesaid.

Company  
to make  
annual  
exhibit.

SEC. 11. Such company shall annually, at least ten days before the election of directors, make out a full and complete exhibit of all the operations of the company during the current year, containing a correct account of all the receipts and disbursements thereof;

also showing the amount of capital stock subscribed, the amount of such capital stock actually paid in, the amount paid out during the year in the construction and repair of the works, the amount paid out in the ordinary expenses of the company; classifying the expenditures, and giving the amount paid out under each classification, as the same appears on the books of the company, the amount collected from such city, and the amount collected from individuals for water supplied; the amount placed to the credit of the reserve fund; the amount of dividends declared, and the amount of such dividends drawn; which exhibit shall be verified by the oath of the President and Secretary, and published in some public newspaper of general circulation in such city ten days successively before such annual election.

SEC. 12. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall take effect and be in force from and after its passage.

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#### COMMON SCHOOLS.

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**AN ACT** to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith; providing penalties therein prescribed.

[APPROVED MARCH 6, 1865.]

(See Acts of 1865, page 3.)

SEC. 4. Each civil township, and each incorporated town or city in the several counties of the State, is hereby declared a distinct municipal corporation for school purposes, by the name and style of the civil township, town, or city corporation respectively, and by such name may contract and be contracted with, sue and be sued in any Court having competent jurisdiction; and the Trustees of such township, and the Trustees provided for in the next section of this act,

shall, for their township, town, or city, be School Trustees, and perform the duties of Clerk and Treasurer for school purposes.

SEC. 5. The Common Council of each incorporated city and the Board of Trustees of each incorporated town of this State shall, at their first regular meeting in the month of April of the present year, and biennially thereafter, elect three School Trustees, who shall, before entering upon the duties of their office, take and subscribe an oath and give bond, similar to the oath and bond required of Township Trustees; and such Trustees shall be allowed such reasonable compensation *per diem* for their services as to the authorities of such incorporated cities and towns may be deemed just, to be paid out of the special tax raised in such cities or towns.

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AN ACT to authorize cities and towns to negotiate and sell bonds, to procure means with which to erect and to complete unfinished school buildings and pay debts contracted for erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds.

[APPROVED MARCH 11, 1867.]

When city  
or incor-  
porated  
town may  
issue and  
sell bonds  
to build or  
finish  
school  
buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any city or incorporated town in this State which shall, by the action of its School Trustee or Trustees, have commenced, or may hereafter commence, the erection of any building or buildings for school purposes, or which shall have, by its School Trustee or Trustees, contracted any debts for the erection of any such building or buildings, and such Trustee or Trustees shall not have the necessary means with which to complete such building or buildings, or pay such debt, may, on the filing by the School Trustee or Trustees of said city or incorporated town, of a report under oath, with the Common Council of such city or the Board of Trustees of such incorporated town, showing the estimated cost of any such building or build-

ings, or the amount required to complete such building or buildings, or the amount of such debt, on the passage of an ordinance authorizing the same, by the Common Council of such city or the Board of Trustees of such incorporated town, issue the bonds of such city or town to an amount not exceeding in the aggregate thirty thousand dollars, in denominations not less than one hundred, nor more than one thousand dollars, and payable at any place that may be designated in such bonds, the principal in not less than one year nor more than twenty years after the date of such bonds, and the interest annually or semi-annually, as may be therein provided, to provide the means with which to complete such building or buildings and to pay such debt, and such Common Council or Board of Trustees may, from time to time, negotiate and sell as many of such bonds as may be necessary for such purpose, in any place, and for the best price that can be obtained therefor in cash : *Provided*, That such bonds shall not be sold at a price less than ninety-four cents on the dollar.

**SEC. 2.** The proceeds of the sales of such bonds shall be paid to the said School Trustee or Trustees to enable them to erect or complete such building or buildings and pay such debt; but before payment to them, such School Trustees shall file with the County Auditor a bond payable to the State of Indiana, in a sum not less than the full amount of the said money so to be paid to them, and with security, to be approved by said Auditor, conditioned for the faithful and honest application of such money to the purpose for which the same was provided ; and such Trustee or Trustees, and their surety or sureties, shall be liable to suit on such bond for any waste, misapplication or loss of such money, in the same manner as now provided for waste or loss of school revenue.

**SEC. 3.** In addition to the levying the tax by cities or incorporated towns for general purposes now author-

Special  
tax may  
be levied  
and col-  
lected to  
pay inter-  
est and  
principal  
on bonds  
falling  
due.

Such  
special  
taxes, how  
collected,  
and duties  
of treas-  
urer in re-  
lation to  
the same.

Amount  
of special  
tax shall  
not ex-  
ceed, &c.

Emergen-  
cy de-  
clared.

ized by law, the Common Council of any such cities, and Board of Trustees of any such incorporated towns, as shall avail themselves of the provisions of this act, are hereby authorized and required to levy, annually, a special additional tax, at the same time and in the same manner as other taxes of such city or town are levied, sufficient to pay the interest and principal of said bonds falling due, which additional special tax shall be collected as other taxes of such city or town are collected ; and the Treasurer of such city or town shall keep accurate accounts of the revenue arising from such special tax, and shall, in his reports, and when required by the city or town authorities, show the amount thereof received, the amount disbursed, and the amount thereof, if any, remaining delinquent ; he shall pay out the same only by the authority of the Common Council of such city or Board of Trustees of such town, and shall permit the same to be applied to no other purpose than the payment of the principal and interest of such bonds ; and official bonds of City and Town Treasurers shall be construed to cover and include revenue arising from this source : *Provided, always,* That the additional special tax hereby authorized shall not, in any one year exceed fifty cents on each one hundred dollars of taxable property, and one dollar on each poll.

SEC. 4. The advancement of the cause of education requiring that this act shall take immediate effect, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

## GENERAL ORDINANCES OF THE CITY OF EVANSVILLE.

AN ORDINANCE to provide for the election of three Assessors, and prescribing their duties.

[PASSED JANUARY 22, 1866.]

(Published and in force January 24, 1866.)

1. Three Assessors to be elected.
2. Improvements to be assessed at fair cash value.
3. Duties of Assessors to be apportioned by Council.
4. Assessment roll of real estate, how made and returned.
5. Assessment roll of personals, &c., how made and returned.
6. Schedules of personal property, how made and returned, and duties of Assessor in relation thereto.
7. Form of assessment roll.
8. Assessment rolls, when to be returned.
9. Repeal of certain ordinances.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That at each annual election of Councilmen hereafter to be held, there shall be elected by the qualified voters of said city three Assessors, each of whom shall give bond and be sworn as required by the thirty-sixth section of the City Charter.

SEC. 2. That from and after the passage of this ordinance, it shall be the duty of the Assessor or Assessors, in assessing the real estate of the city, to include in the valuation thereof the entire fair cash value of all improvements thereon; and the Common Council, in assessing taxes either for general revenue or for railroad purposes, will not exempt any portion of the value of improvements on real estate.

SEC. 3. It shall be the duty of the Common Council, as soon as practicable after the election of Assessors, to designate one of said Assessors as the Assessor of real estate of the city, and the other two of said Assessors as the Assessors of the personal property, polls, &c., of the city; and the Council may, if they think proper, divide the city into two districts for the assessment of personal property, polls, &c., assigning one of said Assessors of personal property to each of said districts, or they may require the assessment of the personal property, polls, &c., to be made by said Assessors without dividing the city into districts; and in case of a vacancy caused by the resignation, death, or other disability of any one of the Assessors, the Council may either require the two remaining Assessors to complete the entire assessment, or they may order a special election to fill such vacancy.

SEC. 4. It shall be the duty of one or more of the Assessors, as the Council may indicate in the distribution of their duties, as soon as practicable after their election, to proceed to make out a full and fair list or lists of all real estate to be taxed, with the names of the owners or claimants arranged in alphabetical order; and they shall, in making said lists, set opposite to the name of each owner or claimant a description of each lot or parcel of real estate owned or claimed by him, and the value thereof, and also the value of the improvements thereon; which list or lists shall be made and returned according to the requirements of the Charter and the ordinances made or to be made in pursuance thereof; and said list or lists shall be designated as the assessment roll of real estate for the proper year, and the said Assessor or Assessors, before returning said roll, shall make, sign, and append thereto a certificate that it is such assessment roll of real estate for the proper year, which year shall be designated in the certificate.

SEC. 5. It shall be the duty of one or more of the Assessors, as the Council may indicate in the distribution of their duties, as soon as practicable after their election, to proceed to make out a full and fair list or lists of all persons, and all personal estate, and all dogs and bitches, and all polls to be taxed, placing the names of persons in alphabetical order, setting opposite the name of each person the value of his or her personal estate subject to taxation; and in making and returning said list or lists, the Assessor or Assessors shall in all things be governed by the provisions of the City Charter and the ordinances made or to be made in pursuance thereof. Said list or lists shall be designated as the assessment roll or rolls of personal property for the proper year; and the Assessor or Assessors, before returning the same, shall make, sign, and append to each such list a certificate that it is such assessment roll for the proper year, which year shall be designated in the certificate.

SEC. 6. It shall be the duty of the Assessor or Assessors to require each merchant, manufacturer, or other person owning, possessing, or controlling personal property taxable for city purposes, to make and subscribe a written or printed statement, verified by his affidavit; which statement and affidavit shall be in accordance with the provisions of the first section of an ordinance passed April 24, 1865, entitled "An Ordinance in relation to the assessment of personal property." Blank printed statements, according to the forms prescribed in said ordinance, shall be furnished by the Assessor or Assessors to the several persons required to make such statements; and should any person, firm, or corporation owning, possessing, or controlling any property taxable for city purposes fail or refuse, when called on for that purpose by the Assessor, to make and verify by affidavit the statement hereby required, it shall be the duty of such Assessor to affix,

from the best information he can obtain, a fair valuation of the personal estate owned, possessed, or controlled by such person, firm, or corporation, according to the thirty-eighth section of the City Charter.

SEC. 7. Each assessment roll, besides the column in which the value of real or personal property is placed by the Assessor, shall have another column or columns in which the Board of Equalization shall place their valuation of the same property, in the event of their adding to or taking from the valuation fixed by the Assessor.

SEC. 8. The assessment roll shall be returned to the Clerk of the Council by the second Monday of June of each year, unless further time is given by the Common Council; and the Clerk shall endorse on each assessment roll the date of the returning and filing thereof.

SEC. 9. All ordinances in relation to Assessors and their duties heretofore passed, except the said ordinance of April 24, 1865, entitled "An Ordinance in relation to the assessment of personal property," be, and the same are hereby, repealed.

W. BAKER, Mayor.

Attest: A. M. MCGRIFF, Clerk.

AN ORDINANCE in relation to the assessment of personal property.

[PASSED APRIL 24, 1865.]

[Published and in force May 1, 1865.]

1. Form of Schedule.
2. Repeal of certain Ordinances.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the statements or schedules of personal property to be made out and returned by tax-payers shall be as follows, viz:—The statements or schedules to be made out and returned by merchants shall be in the following form, viz:

*A Statement of Personal Property appertaining to Merchandizing, taxable for City Purposes, held, owned, possessed, or controlled by \_\_\_\_\_.*

N. B.—Nothing is to be placed in this statement except personal property, and effects appertaining to merchandizing, and property, credits, and assets belonging to the mercantile establishment or business of the person or firm making the statement.

ASSESSABLE PROPERTY.	Dollars.	Cts.
VALUE OF SUCH PROPERTY HELD, OWNED POSSESSED, OR CONTROLLED		
During the month ending April 30, 186—.....		
...     ...     May 31, 186—.....		
...     ...     June 30, 186—.....		
...     ...     July 31, 186—.....		
...     ...     August 31, 186—.....		
...     ...     September 30, 186—.....		
...     ...     October 31, 186—.....		
...     ...     November 30, 186—.....		
...     ...     December 31, 186—.....		
...     ...     January 31, 186—.....		
...     ...     February 28, 186—.....		
...     ...     March 31, 186—.....		
Divide by the number of months.....		
At the time of making the state- ment.		
1. Assessable value of stock.....		
2. Money on hand or on deposit.....		
3. Money at interest.....		
4. Solvent demands against others (over and above indebtedness).....		
5. Value of all stocks and bonds issued by bodies cor- porate, by States, or by the United States, except such as are exempt by Act of Congress.....		
6. Value of wagons, coaches, hacks, carriages, carts, drays, and other vehicles.....		
7. Value of clocks, watches, and other timepieces.....		
8. Number and value of horses, mules, and cattle.....		
9. Value of ships, steamboats, canal-boats, and flat- boats.....		
10. Value of all other property not above specified.....		
11. The number of dogs owned, possessed, or harbored within the last twelve months.....		
Total.....		

Signed and dated this — day of —, 186—.

STATE OF INDIANA, VANDERBURGH COUNTY, }  
 CITY OF EVANSVILLE, } ss.

\_\_\_\_\_, one of the members of the firm of \_\_\_\_\_, being sworn, says, that to the best of his knowledge, recollection, and belief, the above is a true and correct estimate of the true cash value of all the personal property and effects appertaining to the business of merchandizing held, owned, possessed, or controlled by the said \_\_\_\_\_ at the times therein mentioned, and that the said sum of \$\_\_\_\_\_ is the correct average value of said property and effects for the time therein stated, as nearly as the same can be ascertained. \_\_\_\_\_.

Signed and sworn to before me, the City Assessor, this \_\_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_\_, Assessor.

And the statement or schedule to be made out and returned by manufacturers shall be in the following form, viz:

*A Statement of Personal Property appertaining to Manufacturing, taxable for City Purposes, held, owned, possessed, or controlled by \_\_\_\_\_.*

N. B.—Nothing is to be placed in this statement except personal property, and effects appertaining to manufacturing, and property, credits, and assets belonging to the manufacturing establishment or business of the person or firm making the statement.

ASSESSABLE PROPERTY.		Dollars.	Cts.
<b>VALUE OF SUCH PROPERTY HELD, OWNED POSSESSED, OR CONTROLLED</b>			
During the month ending April 30, 186—	May 31, 186—		
...	June 30, 186—		
...	July 31, 186—		
...	August 31, 186—		
...	September 30, 186—		
...	October 31, 186—		
...	November 30, 186—		
...	December 31, 186—		
...	January 31, 186—		
...	February 28, 186—		
...	March 31, 186—		
Divide by the number of months.....			
At the time of making the statement.	1. Assessable value of stock.....		
	2. Money on hand or on deposit.....		
	3. Money at interest.....		
	4. Solvent demands against others (over and above indebtedness) .....		
	5. Value of all stocks and bonds issued by bodies corporate, by States, or by the United States, except such as are exempt by Act of Congress.....		
	6. Value of wagons, coaches, hacks, carriages, carts, drays, and other vehicles.....		
	7. Value of clocks, watches, and other timepieces.....		
	8. Number and value of horses, mules, and cattle.....		
	9. Value of ships, steamboats, canal-boats, and flat-boats.....		
	10. Value of all other property not above specified.....		
	11. The number of dogs owned, possessed, or harbored within the last twelve months.....		
Total.....			

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_\_.  
 \_\_\_\_\_

STATE OF INDIANA, VANDERBURG COUNTY, } ss.  
CITY OF EVANSVILLE,

\_\_\_\_\_, one of the members of the firm of \_\_\_\_\_, being sworn, says, that to the best of his knowledge, recollection, and belief, the above is a true and correct estimate of the true cash value of all the personal property and effects appertaining to the business of manufacturing held, owned, possessed, or controlled by the said \_\_\_\_\_ at the times therein mentioned, and that the said sum of \$\_\_\_\_\_ is the correct average value of said property and effects for the time therein stated, as nearly as the same can be ascertained.

Signed and sworn to before me, the City Assessor, this \_\_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_\_.  
\_\_\_\_\_, Assessor.

And the statement to be made out and returned by all persons other than merchants and manufacturers shall be in the following form, viz.:

*A Statement of \_\_\_\_\_, Personal Property, taxable for City Purposes by the Common Council of the City of Evansville, and held, owned, possessed, or controlled by him at the date thereof.*

ASSESSABLE PROPERTY.	Dollars.	Cts.
1. Money on hand or on deposit.....		
2. Money at interest.....		
3. Solvent demands against others (over and above indebtedness) .....		
4. Value of all stocks and bonds issued by bodies corporate, by States, or by the United States, except such as are exempt by Act of Congress.....		
5. Value of wagons, coaches, hacks, carriages, carts, drays, and other vehicles.....		
6. Value of clocks, watches, and other timepieces.....		
7. Value of musical instruments.....		
8. Value of household furniture.....		
9. Number and value of horses, mules and cattle.....		
10. Value of all ships, steamboats, canal-boats, and flat-boats		
11. Value of all personal property, money, and solvent demands (deducting indebtedness), held as executor, administrator, guardian, factor, consignee, trustee, or agent.....		
12. Value of all other personal property not above specified		
13. The number of dogs owned, possessed, or harbored within the last twelve months .....		
Total amount.....		

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_\_.  
\_\_\_\_\_, \_\_\_\_\_.

STATE OF INDIANA, VANDERBURGH, COUNTY, } ss.  
CITY OF EVANSCVILLE, }

—, being sworn, says, that to the best of his knowledge, recollection, and belief, the above contains a true, full, and fair list, with the true cash value thereof, of the several items of personal property and effects therein named, and now owned, possessed, or controlled by him.

Signed and sworn to before me, the City Assessor, this — day of —, 186—.

—, Assessor.

SEC. 2. That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

W. BAKER, Mayor.

Attest: A. M. McGRUFF, Clerk.

AN ORDINANCE to regulate auctions and auctioneers, and to repeal all ordinances heretofore passed and now in force in relation thereto.

[PASSED JULY 26, 1859.]

[Published and in force July 29, 1859.]

1. Auctioneers must procure license.
2. Auctioneers classified.
3. Time when license must expire.
4. Class, &c., must be stated in license.
5. How application for license to be made.
6. License how granted.
7. Price of license.
8. License how issued ; bond, &c.
9. Action on bond.
10. Auction-room, and books to be kept.
11. License not transferable.
12. Effect and scope of license.
13. Certain sales prohibited without license ; penalty.
14. License required in certain cases ; penalty.
15. Effect of license of Class 2.
- 16 and 17. Penalty.
18. Sidewalks must not be obstructed ; penalty.
19. License when not required.
20. Repeal of former ordinances.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person to sell any property, real or personal, or any article or commodity whatever, at public auction or outcry within the city of Evansville, without first obtaining a license so to do according to the requirements of this ordinance.

SEC. 2. All auction licenses issued by the city are hereby divided into three classes, to be known and designated as "Class No. 1," "Class No. 2," and Class No. 3." Class No. 1 shall consist of such auctioneers as are or shall be provided with a house or room or rooms in which to store and keep goods, wares, merchandise, and other personal property entrusted to them to sell. Class No. 2 shall consist of the following persons, to-wit: *First.* Merchants and shopkeepers who may desire to sell at public auction their stock in trade, or any part thereof, at or in some other house or place within the city than the house or room named in the license of some licensed auctioneer of Class No. 1; *Second.* All persons who shall bring or cause to be brought to the city, for sale, any merchandise, furniture, or article or articles of property suitable to be entrusted to an auctioneer of Class No. 1, and suitable to be stored in his auction-house or auction-room, and who shall desire to sell such merchandise, furniture, or article or articles of property at auction, at or in some house or place other than the house or room named in the license of an auctioneer of Class No. 1. Class No. 3 shall consist of such auctioneers as are not embraced in either of the foregoing classes, and who are employed by the day or job to sell household furniture and other property real or personal.

SEC. 3. No license granted under this ordinance shall run longer than the first day of August next succeeding the issuing thereof.

SEC. 4. Every license issued under this ordinance shall designate the class to which the person licensed belongs; and if the person licensed belongs to class No. 1, the license shall also state the house or rooms in which his business is to be carried on; if the person licensed belongs to Class No. 2, it shall not only state the house or place where the auction-sales are to be made, but shall also designate the merchandise, stock, or property to be sold.

SEC. 5. Any person wishing to become an auctioneer, or wishing to take out a license under this ordinance, shall make his application in writing to the Common Council, stating the class to which he desires to belong, and the length of time for which he wishes a license, and if he desires to belong to Class No. 1, stating also the house or room or rooms in which his business is to be carried on, and the surety or sureties he proposes to give on his bond; if said applicant desires to belong to Class No. 2, he shall state in his application not only the house, room, or place at or in which he proposes to sell, but shall also designate the stock or property proposed to be sold.

SEC. 6. If the Council are satisfied that the applicant is a suitable person to be licensed, and that the sureties (in a case where a bond and security is required) proposed are good, said Council may, in its discretion, order that a license be issued to him upon his complying with the requirements of this ordinance, specifying in such order the time such license shall run, the class to which the applicant shall belong; and if he shall belong to Class No. 1, the order shall also state the house or room or rooms in which the business is to be carried on, and if such applicant shall belong to Class No. 2, such order shall state the house or room or rooms where the sales are to be made, and shall designate the goods or property to be sold, and shall also specify the price to be paid for the license.

SEC. 7. The price of a license of Class No. 1 shall be fifty dollars for one year, and thirty-five dollars for six months, or for any shorter period; the price of a license of Class No. 3 shall be thirty dollars for one year, and twenty dollars for six months, or for any shorter period; the price of all licenses of Class No. 2 shall be fixed by the Council in the order granting the application.

SEC. 8. Before any license shall be issued under the provisions of this ordinance, the applicant shall pay to

the city treasurer the price of such license, and shall file the treasurer's receipt with the clerk of the city, who shall charge the treasurer therewith, and if said applicant belongs to Class No. 1, he shall also file with the clerk his bond in the penal sum of not less than five thousand dollars, with security to the acceptance of the Council, conditioned that he will faithfully discharge his duties as such auctioneer, conform to the ordinances of the city enacted or to be enacted in relation to auctions and auctioneers; and pay over and deliver all moneys and property on demand which shall have come to his hands as such auctioneer to the person or persons entitled to receive the same; and upon complying with these requirements, a license shall be issued reciting the order of the Council and the compliance of the applicant with its requirements, which license shall be signed by the Mayor, attested by the Clerk, and sealed with the corporate seal of the city.

SEC. 9. If any auctioneer of Class No. 1 shall violate the condition of his bond, he shall be liable to an action on such bond, and where such violation shall be to the injury of any person or persons other than the city, the party injured may prosecute an action in the name of the city for his use; but before such action shall be commenced, an undertaking shall be filed with the Clerk with security to the acceptance of the Mayor, conditioned that the party for whose use the action is to be brought shall protect and indemnify the city from all costs which may accrue in such action.

SEC. 10. Every auctioneer belonging to Class No. 1; aforesaid, shall provide a convenient room or house in which all goods, wares, merchandise, and other personal property entrusted to him for sale, (except live stock, wheeled vehicles and such other articles as may be unsuitable to be stored in such house,) shall be kept, and such auctioneer shall also keep a book in which shall be entered, as soon as practicable after the receipt of any

goods, commodity or property, a schedule thereof, with the name of the owner or consigner, and the date of the receipt thereof, and when such goods, commodity or property is sold, an accurate account of sales shall be entered in said book, or in some other book to be kept for that purpose; and said book or books, when required, shall be submitted to the inspection of the Council or to any committee appointed for that purpose by the Council.

SEC. 11. No license granted under the provisions of this ordinance shall be transferable, nor shall any person other than the auctioneer named in the license be permitted to use such license, nor shall any license protect any person in the exercise of the functions of an auctioneer of either of said classes, or from incurring the penalties prescribed by this ordinance, except the person named therein to whom it was issued.

SEC. 12. When a license of Class No. 1 shall be issued to one person, such license shall authorize the person licensed to exercise all the functions of an auctioneer of Class No. 3, as well as the functions of Class No. 1, but when a license of Class No. 1 is issued to a firm, it shall authorize any and all the partners of the firm to exercise the functions of an auctioneer at or in the house, room or rooms named in the license as the place of business of said firm, but not elsewhere. In such case, however, there shall, at the request of said firm, be issued to any one member of said firm an additional license of Class No. 3, without the payment into the city treasury of any additional price therefor, and such license shall protect the person named therein, but no other person, in exercising the functions of an auctioneer at any place within the city.

SEC. 13. It shall not be lawful for any merchant or shop-keeper, either by himself or by a licensed auctioneer, to sell out his stock in trade or any part thereof at public auction at or in any other house or place within the

city than the house or room named in the license of some licensed auctioneer of Class No. 1, without first procuring a license of Class No. 2, and any person who shall violate the provisions of this section shall forfeit and pay any sum not less than ten dollars nor more than fifty dollars.

SEC. 14. Whenever any stock of merchandise, furniture, or article of property suitable to be entrusted to an auctioneer of Class No. 1, and suitable to be stored in his auction house or auction room, shall be brought to the city for sale, it shall not be lawful for any licensed auctioneer or other person to sell such merchandise, furniture, or article of property at public auction at or in any other house or place within the city than the house or room named in the license of some licensed auctioneer of Class No. 1, without first procuring a license of Class No. 2, and any person who shall violate the provisions of this section shall forfeit and pay any sum not less than twenty-five dollars nor more than fifty dollars.

SEC. 15. A license of Class No. 2 shall not authorize the sale at auction of any stock in trade, furniture or property except such as may be designated or indicated in the license.

SEC. 16. Every person who shall violate the *first* section of this ordinance shall for every such offence, forfeit and pay any sum not less than twenty dollars nor more than fifty dollars, and upon conviction of a second or any subsequent violation of said section by the same person, said penalty may be increased to any sum not less than fifty dollars.

SEC. 17. Any auctioneer of Class No. 1, who shall violate any condition of his bond, shall forfeit and pay any sum not less than one dollar nor more than twenty-five dollars.

SEC. 18. No auctioneer licensed under this ordinance shall obstruct, or suffer or permit any person or persons

attending upon any auction held by him to obstruct, more than five feet in width of the side walk in front of or adjacent to the place where such auction may be held, and any auctioneer who shall violate the provisions of this section shall forfeit and pay any sum not less than fifty cents nor more than five dollars, and all licensed auctioneers are hereby authorized and empowered to command and require all persons attending such auctions to observe the requirements of this section, and if any person shall refuse to observe the directions which may be so given by any such auctioneer, the person so refusing shall, by such refusal, himself incur the penalty prescribed by this section.

SEC. 19. Nothing contained in this ordinance shall prevent any sheriff, constable, marshal or other officer from selling, by himself or deputy, at public auction, any property, real or personal, under judicial process; nor shall anything herein contained prevent any executor, administrator, guardian, or commissioner from selling property at auction which his official duty may require to be thus sold; but no person shall act as auctioneer at any auction sale contemplated by this section, except such sheriff, constable, marshal or other officer or his regularly appointed deputy, or such executor, administrator, guardian or commissioner, or some licensed auctioneer employed by the officer or person making the sale.

SEC. 20. All ordinances in relation to auctions and auctioneers heretofore passed and now in force are hereby repealed, but this repeal shall not invalidate any license issued or bond given under such ordinances, and all offences heretofore committed against such ordinances may be punished as if this ordinance had not been passed.

WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to amend an ordinance passed July 26, 1859, entitled "An Ordinance to regulate auctions and auctioneers, and to repeal all ordinances heretofore passed and now in force in relation thereto."

[PASSED DECEMBER 17, 1859.]

[Published and in force December 20, 1859.]

1. Who may be licensed as Auctioneers of Class No. 2.
2. Monthly reports and payments to be made by Auctioneer of Class No. 1.
3. Auctioneer of Class No. 1 may employ deputy.
4. 5. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter no license shall be granted to any person as an auctioneer of Class No. 2, unless such person be a resident of the city of Evansville.

SEC. 2. That hereafter all goods, merchandise or other property which may be brought to the city of Evansville by any person other than a citizen of said city, and sold at auction by any auctioneer of Class No. 1, shall be subject to a license of one per centum upon the amount of such goods, merchandise or other property sold at auction, which license shall be paid by the auctioneer of Class No. 1; selling the same; and all auctioneers of Class No. 1 shall, on or before the second Saturday in each month, deliver to the city Clerk a statement verified by the oath of such auctioneer, showing whether any, and if any, what amount of goods, merchandise or other property was sold by him during the preceding month for or on account of persons other than citizens of said city; and such auctioneer shall at the same time deliver to said clerk the receipt of the city treasurer for the amount of the license due on the same.

SEC. 3. That hereafter, any auctioneer of Class No. 1 may allow the owner of any goods, merchandise or other property to sell the same at auction in the auction house or auction room of such auctioneer of Class No. 1, at any time when such auctioneer of Class No. 1 may not himself be acting as auctioneer, either in such house or room, or elsewhere in the city.

SEC. 4. If any auctioneer of Class No. 1 shall neglect

to make and deliver to the city Clerk the verified statement required by section second of this ordinance, or if he shall neglect to procure and deliver the Treasurer's receipt as required by said section, he shall forfeit and pay any sum not exceeding one hundred dollars.

SEC. 5. If any auctioneer of Class No. 1 shall sell any property at auction, either in his own auction rooms or elsewhere in the city at the time when he is permitting the owner of any property to sell the same at auction in his auction house or auction rooms, such auctioneer shall for every such offence forfeit and pay any sum not exceeding one hundred dollars.

WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

**AN ORDINANCE concerning the duties of Clerk and Collector.**

[PASSED MARCH 9, 1850.]

1. Duplicate of Collector's return to Treasurer to be delivered to the Clerk and by him recorded.

Transfers of certificates of purchase to be reported to Clerk, and by him Entered.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall be the duty of the Collector to return to the City Clerk, on or before the second Monday in November in each year, a duplicate of the statement of lots and parts of lots sold, by him for taxes, required by the fifty-second section of the city charter to be returned by him to the City Treasurer; and that thereupon it shall be the duty of the City Clerk to enter and record said statement or return in a proper book to be kept and preserved for that purpose; and no transfer or assignment of any certificate of purchase of real property sold for taxes shall be valid, so as to entitle the holder thereof to a deed, unless said transfer or assignment, or an abstract thereof, shall within thirty days after the making of such transfer be furnished said

Clerk, whose duty it shall be to enter the same in said book; so that he may at all times be able to inform the owners of property so sold who may be the holders of certificates thereof.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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AN ORDINANCE in relation to the collection of the taxes of the city of Evansville.

[PASSED MAY 3, 1862.]

(Published and in force May 7, 1862.)

1. Abatement of taxes—three per cent. on all taxes paid in full within first period of thirty days.

One and one-half per cent. on all taxes paid in full within second period of thirty days.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That any person or persons who may hereafter be charged or assessed with city taxes, and who shall, by themselves, their agents or attorneys, cause said taxes to be fully paid within thirty days from the time when the duplicate of said taxes shall have been placed in the hands of the Collector, shall be entitled to a deduction of three per cent. of the amount of such tax; and all persons who shall in like manner cause their taxes to be paid after the expiration of said thirty days, and within sixty days from the time of the delivery of the duplicate to said Collector, shall be entitled to a deduction of one and a half per cent. of the amount of said taxes: *Provided,* That nothing herein contained shall be so construed as to prevent the Collector from proceeding, previous to the expiration of said sixty days, to collect any such tax, by advertisement and sale of property, agreeably to the charter and ordinances of said city.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

## AN ORDINANCE in relation to Collector's sales.

[PASSED OCTOBER 25, 1862.]

[Published and in force October 29, 1862.]

1. Purchaser at tax sale to make payment immediately after sale.  
On failure of payment, property to be sold on next succeeding day.
2. Collector to give receipt to purchaser.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That at all sales of property which may hereafter be made by the Collector for the payment of delinquent taxes or other charges or assessments, the terms or conditions of such sale shall require that all purchasers at such sale shall pay the amount of their respective purchases at or immediately after the completion of the sale; and all property sold and not paid for agreeably to said terms and conditions shall be again offered for sale on the next day thereafter, at two o'clock P. M., at the door of the court-house in said city, to which time and place such sale shall be adjourned; and all advertisements of Collectors' sales shall contain a clause giving notice of such adjournment.

*SEC. 2. The Collector shall give to the several purchasers receipts for the sums paid by them respectively, which receipts shall be returned to the Collector upon the completion and delivery of the certificates of purchase.*

WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

## AN ORDINANCE in relation to the duties of the Clerk of the city of Evansville.

[PASSED MARCH 15, 1851.]

1. City Clerk to make annual report.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That it shall be the duty of the City Clerk, annually hereafter, on or before the second Saturday in April next, after the annual election of Councilmen, to prepare and report to the Council a full and

complete statement of the receipts and expenditures of the city for the year ending on the first Monday of April preceding said report.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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AN ORDINANCE prescribing the time in which, and the time when the tax duplicate shall be issued, and the duties of the Collector and Clerk as to the same, and the fees of the Clerk; and also prescribing the time and manner of reports of the Collector and Clerk, and repealing former ordinances.

[PASSED SEPTEMBER 5, 1870.]

1. Clerk shall make out duplicate by first Monday in November, and manner in which same shall be made out.
2. Clerk's duty in making out and altering the duplicate.
3. As to property burned without insurance.
4. The city, school, railroad, poll, water-works and other taxes to be estimated separately, and the manner of charging the same on the duplicate.
5. Copy of duplicate to be delivered to the Collector by the first Monday of November, or as Council order.
6. Clerk to certify to the Council a statement of all property listed in the city, and the valuation of the same, &c.
7. Clerk to correct errors in the duplicate; and the method and record of the same.
8. Collector to make no alterations in the duplicate.
9. Duties of the Collector under this ordinance.
10. Collector to make a return on the Tuesday following the first Monday of March.
11. Clerk fees.
12. Repeal of ordinances in conflict.

SECTION 1. *Be it ordained by the Common Council of the city of Evansville,* That it shall be the duty of the Clerk on or before the first Monday of November in each year to make out a duplicate list of taxes assessed in said city of Evansville, and in so doing he shall enter in separate columns all lands, lots, parts of lots, and blocks, with the names of the owners in alphabetical order, the value of lands, lots or blocks without improvements, and opposite to this the value of improvements, and opposite to this the value of lots and lands with improvements, next all personal property liable to taxation, together with the tax on polls, and lastly he shall number each name in regular progression.

SEC. 2. The Clerk, in making out such duplicate, shall be careful to enter upon the same all the lands and lots returned by the Real Estate Assessor of said city, and also all such lands and lots as may be found omitted by such Assessor, with such valuation as shall be fixed thereto by the Assessor, and he shall enter the personal property omitted according to the previous Assessor, giving a correct description of all the property thus entered on his duplicate, and shall also carry into effect all alterations which shall be made in the Assessors list by the City Board of Equalization, as, also, all deductions and erroneous assessments ordered by the Common Council.

SEC. 3. When any building or personal property (not insured) shall be consumed by fire or otherwise destroyed, the Clerk, on being satisfied thereof by sufficient proof (affidavit of parties interested) shall strike the same from his duplicate, or deduct the proper valuation from such property with which the same may be charged on the duplicate; in all such cases his action shall be subject to the approval of the Common Council.

SEC. 4. The Clerk shall estimate, in dollars and cents. (rejecting fractions) and set down in such duplicate, in separate columns, the city, school, railroad, poll, water works or other taxes chargeable on property listed on his duplicate, as also the number and amounts of delinquent taxes of previous years, and adding such penalty as shall be fixed by Council, and shall carry out the amount in a column of totals; and shall add up and set down on each page of such duplicate, the number, valuation of lands, lots, improvements, personal property, polls, and other taxes, and delinquents charged, carrying such amounts forward from page to page, and proving each page, and at the end thereof give a tabular statement of all taxes charged and assessed, and attach thereto his signature and the corporate seal of the city.

SEC. 5. He shall cause a copy of such duplicate to be delivered to the City Collector on or before the first Monday of November in each year, or on such other day as the Council may order.

SEC. 6. The Clerk shall also make out and certify to the Common Council of said city of Evansville aforesaid, a full, complete and aggregate statement of all property listed in said city, the valuation thereof, the number of polls, amount of each kind of tax, the aggregate amount thereof, and also the amount assessed for Lamasco City property, under the annexation of 1857, and for the city of Evansville proper, until the year 1871, (when the terms of annexation of Lamasco City to Evansville in regard to the E. & C. Railroad taxes cease.)

SEC. 7. The Clerk shall, from time to time, correct all errors which he may discover in his duplicate, either in the name of the person charged with taxes, the description of the property, or the amount of tax charged, and when such correction is made after the duplicate has been delivered to the Collector for collection, the Clerk shall give, to the person benefitted thereby, a certificate of such correction, under the seal of the city, to be presented to the Collector, who shall, on presentation of such certificate, make the like correction on his duplicate, and shall keep such certificate as a voucher on settlement with the Common Council, and it shall also be the duty of the Clerk, on his discovering any omissions of real estate or personal property, or polls, from the duplicate, to cause such assessment to be made in regular form by the proper assessor, and on such assessment being made, to certify the same to the Collector, who shall enter the same on his duplicate, and shall be charged by the Clerk therewith, and in case of the death or absence of any assessor from the city the Clerk shall make such assessment and the Collector shall charge the same in like form on his duplicate.

SEC. 8. It shall be unlawful for the Collector of taxes of the city of Evansville to make any alterations or deductions on his duplicate, except on the certificate of the Clerk, under the seal of the city.

SEC. 9. It shall be the duty of the City Collector to collect all taxes and moneys due to the city, and he shall on the first day of each and every month during his continuance in office, pay over to the Treasurer all sums of money remaining in his hands at the end of each and every month, and shall also on the first day of each and every month during his term of office file in the office of the City Clerk a report setting forth the name and amount of each and every person paying such taxes, the total amount paid cash, the amount paid in city orders, and also amount deducted by Council for the prompt payment of taxes, and such Clerk shall then mark on the duplicate and strike out from the same all such names of persons so reported to have paid their taxes, and shall also report such action to the Common Council.

SEC. 10. Such Collector shall also, annually, on the Tuesday succeeding the first Monday in March of each year make out, file and return to the City Clerk a list of all persons remaining delinquent for taxes; as also a list of real estate advertised and sold by him for delinquent tax, and he shall also file a copy of such list with the City Treasurer, duly verified, and such Clerk shall make out a copy of such delinquent list for the use of the Collector, and any persons paying taxes on such delinquent list shall file the Collector's receipt in the office of the Clerk, who shall then give a *quietus* to the person, and make a registry of all such receipts, and charge such Collector with the amount thereof.

SEC. 11. The Clerk's fees, for work performed by him under this ordinance, shall be as follows:

Making duplicate, per 100 words, and counting three figures as one word.....	12½ cents per 100
Each certificate and seal.....	50 cents.
Each assessment.....	25 cents.
Each <i>quietus</i> and registering receipt.....	10 cents

And no other fees shall be allowed the Clerk or Collector for any official services as prescribed in this ordinance.

SEC. 12. All ordinances in conflict with any provisions of the foregoing sections be and the same are hereby repealed.

E. G. VAN RIPER, Mayor, *ad interim.*

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE in relation to Fire Escape Ladders.

[PASSED NOVEMBER 28, 1870.]

1. Provision for protection of Fire Escape Ladders.
2. Penalty for violation of provisions of this ordinance.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That in all cases where any person, firm or joint stock company may erect a permanent fire escape ladder or ladders within said city, as a precautionary measure against fires and accidents resulting therefrom, such fire escape ladder or ladders shall, in case of fire upon the premises upon which they are erected, or in the immediate vicinity thereof, be for the sole use and convenience of the fire department of said city, but in all other cases, and at all other times, it shall be unlawful for any person or persons to ascend or attempt to ascend such fire escape ladder or ladders, or deface, injure or interfere with the same, without the knowledge and express consent of the owner or owners thereof.

SEC. 2. Any person violating any of the provisions of this ordinance shall, on conviction, forfeit and pay not less than five nor more than ten dollars for every such offense.

WILLIAM BAKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

**AN ORDINANCE in relation to nine-pin and ten-pin alleys, and billiard and bagatelle tables.**

[PASSED JULY 23, 1859.]

(Published and in force July 25, 1859.)

1. Billiard tables and bowling alleys not to be kept without license.
2. Price of license.
3. License how issued; bond to be given.
4. Two tracks under same roof require separate licenses.
5. Saloon or bowling alley to be closed on Sundays.
6. License to be procured for each table.
7. Boys not to be allowed to frequent.
8. Penalty.
9. Kinds of tables included.
10. Repeal.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall not be lawful for the owner, keeper, occupier, or possessor of any nine or ten-pin or bowling alley, or of any billiard or bagatelle table, within said city, to suffer or allow the same to be used for hire or reward of any description or kind whatever, until a license so to use such alley or table shall have been obtained according to the provisions of this ordinance.

**SEC. 2.** The price of a license to keep or use any such nine or ten-pin or bowling alley shall be fifty dollars for one year or any shorter period; and the price of a license to keep or use any such billiard or bagatelle table shall be fifty dollars for one year or any shorter period; and no license shall be granted under this ordinance for any period less than the time intervening between the time of the application and the first day of August next succeeding.\*

**SEC. 3.** Every person wishing to obtain a license under this ordinance shall pay the price thereof to the Treasurer of the city, and take his receipt therefor, which receipt shall be filed in the Clerk's office; and upon the filing of the said receipt, the Clerk shall charge the Treasurer with the amount thereof, and shall make out and attest a license, which shall be signed by the Mayor, and delivered to the applicant; but before the Mayor

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\*The price of a license for a bagatelle table reduced to ten dollars. See post.  
The price of a license for a billiard table reduced to thirty dollars. See post.  
The price of a license for a billiard table reduced to fifteen dollars. See post.

shall sign any such license, the applicant therefor shall execute a bond, with security to be approved by the Mayor, in the penal sum of two hundred dollars, payable to the city of Evansville, and conditioned that no gaming or disorderly conduct of any description shall be suffered or permitted in or about such nine or ten-pin or bowling alley, or in or about the room or place in which such billiard or bagatelle table may be kept, or in or about the premises occupied by the owner or keeper of such alley or table, and conditioned further that the person licensed will observe, abide by, keep, and perform all the provisions and requirements of this ordinance, and that he and his sureties will be responsible to said city for each and every violation of the foregoing conditions by any and all persons in or upon the premises occupied by him, and that he will in all things conform to such rules and regulations as are or may be established by the Common Council relative to such tables or alleys.

SEC. 4. Whenever two or more tracks of any nine or ten-pin or bowling alley shall be erected or kept under the same roof or within the same enclosure, each track shall be deemed and taken to be a separate alley under the provisions of this ordinance, and shall require a separate license.

SEC. 5. Every such nine or ten-pin or bowling alley, as well as every room, saloon, or place in which any such billiard or bagatelle table shall be kept or used, shall be closed at or before twelve o'clock (midnight) every Saturday night, and shall remain closed until five o'clock A. M. on the Monday next succeeding; and between the hours aforesaid it shall not be lawful for the owner, possessor, or keeper of such alley or table to allow or suffer the same to be played upon or used, or to keep the room or place in which the same may be situated open for visitors, nor shall it be lawful between said hours for any person or persons whomsoever to use or play upon such alley or table.

SEC. 6. Whenever the owner, keeper, or possessor of any billiard or bagatelle table contemplated by this ordinance shall own, keep, or possess more than one such table, a separate license must be procured for each and every table; and where such owner, keeper, or possessor shall have a license for one or more such table or tables, it shall not be lawful for him to keep or allow to remain in the same room, or in or upon or about the same premises where such licensed table or tables may be kept any additional or unlicensed billiard or bagatelle table.

SEC. 7. It shall not be lawful for the keeper, owner, occupier or possessor of any nine or ten-pin or bowling alley, or billiard or bagatelle table, licensed under the provisions of this ordinance, to suffer, allow, or permit any boy or boys under the age of eighteen years, except such boy or boys as it may be necessary to employ to set up pins in such alley, to visit or remain in any such alley, or in the room or place in which any such table may be kept, or to use or play upon such alley or table.

SEC. 8. The owner, keeper, occupier, or possessor of any nine or ten-pin or bowling alley, or billiard or bagatelle table, who shall violate any provision of this ordinance, shall, for every such offence forfeit and pay any sum not less than five dollars nor more than one hundred dollars, in addition to any liability which may thereby accrue on his bond; and any other person who shall violate any provision of this ordinance shall for every such offence forfeit and pay any sum not less than five dollars nor more than one hundred dollars.

SEC. 9. The several provisions of this ordinance relative to billiard tables shall be held and construed to include all billiard tables of whatever kind, whether with or without pockets.

SEC. 10. All ordinances heretofore passed and now in force on the subject of nine or ten-pin or bowling alleys, and billiard or bagatelle tables, are hereby repealed; but such repeal shall not effect any license granted or any bond given under such ordinance; nor shall such

repeal prevent the collection of any penalty heretofore incurred under such ordinance.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE to reduce the price of a license to keep a bagatelle table.

[PASSED AUGUST 11, 1859.]

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the price of a license for each bagatelle table shall, from and after the passage of this ordinance, be ten dollars for one year or for any shorter period.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE to reduce the price of license for keeping billiard tables.

[PASSED AUGUST 27, 1859.]

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the price of a license for a billiard table shall, from and after the passage of this ordinance, be thirty dollars for one year or for any shorter period.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE to reduce the price of license of nine and ten-pin alleys

[PASSED MAY 5, 1860.]

[Published and in force May 17, 1860.]

1. Price of license; penalty.
2. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That from and after the first day of August, 1860, the price of a license for each nine or ten-pin alley shall be thirty dollars for one year or any shorter period of time: *Provided, however,* That if the keeper of any nine or ten-pin alley shall fail to pay the license therefor for ten days from the time the same ought to be paid, the price of license for the same shall

be thirty-five dollars for one year or any shorter period, and five dollars shall be added to the price of license for each nine or ten-pin alley for every additional ten days that the keeper thereof shall fail to pay the license therefor.

SEC. 2. That five dollars shall be added to the price of the license of each billiard table, if the keeper of the same shall fail to pay the license therefor for ten days from the time the same is due and payable; and that five dollars shall be added to the price of the license for each table for every additional ten days that the keeper thereof shall fail to pay the same.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE in relation to Jenny-Lind tables, pigeon-hole tables, and all other tables upon which games are played with sticks or balls, either for amusement, gain or reward.

[PASSED NOVEMBER 21, 1863.]

[Published and in force November 25, 1863.]

1. Certain tables not be used without license.
2. Price of license.
3. License, how procured.
4. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall not be lawful for the owner, keeper, or possessor of any Jenny-Lind table, pigeon-hole table, or any other table upon which games are played with sticks or balls, either for amusement, gain or reward, to suffer or allow the same to be used for hire or reward of any description or kind whatever, or for the purpose of deciding or determining who of two or more persons shall be liable to pay for any refreshments or other article, until a license so to use such table shall have been procured according to the provisions of this ordinance.

SEC. 2. The price of a license so to use such table shall be ten dollars for one year or any shorter period, and no license shall be granted under this ordinance for any period less than one year, or less than the time in-

tervening between the time of making the application and the first day of August next ensuing: *Provided*, That any person or persons now owning, keeping, or possessing any such table, and wishing to procure a license to use the same, may make application for such license at any time on or before the 15th day of December, 1863.

SEC. 3. Any person or persons wishing to procure a license under this ordinance, shall pay the price thereof to the city Treasurer and take his receipt therefor, which receipt shall be filed with the city Clerk, who shall thereupon make out and attest a license, which shall be signed by the Mayor and delivered to the applicant.

SEC. 4. Any person or persons who shall violate any provision of this ordinance, shall for every such violation forfeit and pay any sum not less than fifteen nor more than fifty dollars.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

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AN ORDINANCE to reduce the prices of license for billiard tables.

[PASSED AUGUST 16, 1866.]

SECTION 1. *Be it ordained by the Common Council of the City of Evansville*, That from and after the passage of this ordinance, the price of a license for keeping a billiard table shall be fifteen dollars for one year, or any shorter period.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE to regulate the depositing of building materials in the streets of the city.

[PASSED SEPTEMBER 10, 1853.]

[Published and in force September 15, 1853.]

1. How building materials may be deposited in streets; gutters not to be obstructed.
2. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville*, That it shall be lawful for any per-

son engaged in the erection of any building to occupy, for a reasonable time, as a depository for the materials to be used in the erection of such building, one-half of the width of the street opposite to the site of such building; but where two buildings shall be in course of erection at the same time opposite to each other, on the same street, then the owner or person engaged in the erection of each of said buildings shall only be entitled to occupy, as aforesaid, one-fourth of the width of the street; but nothing herein contained shall authorize the obstruction of any of the gutters of said city.

SEC. 2. Any person who shall obstruct any street or gutter of the city with building materials contrary to the provisions of the last section, shall for every such offence forfeit and pay not more than fifty dollars nor less than one dollar.

JOHN S. HOPKINS, Mayor.

Attest: GEORGE H. TODD, Clerk.

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AN ORDINANCE for the regulation and protection of turn-table or pivot bridges.

[PASSED NOVEMBER 12, 1859.]

[Published and in force November 14, 1859.]

1. Pivot bridges must not be left open.
2. Must not be opened or closed by animal power.
3. Inscription must not be defaced.
4. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any person or persons may have occasion to open any of the turn-table or pivot bridges within the city, for the purpose of passing any boat, or for any other purpose, it shall be the duty of such person or persons to close the same immediately.

SEC. 2. It shall not be lawful for any person or persons to attach or hitch any horse, mule, ox, or other animal to the lever or to any other part of any of said bridges, for the purpose of opening or closing the same, or in any manner to open or close any such bridge by such animal power.

SEC. 3. It shall not be lawful for any person or persons to injure, deface, destroy or remove any index or inscription which the Common Council may cause to be placed upon any such bridge.

SEC. 4. Every person who shall neglect any of the duties prescribed by, or violate any of the provisions of this ordinance, shall for every such neglect or violation, forfeit and pay not less than five nor more than fifty dollars.

WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

**AN ORDINANCE** for the protection and government of Oak Hill Cemetery.\*

[PASSED MAY 19, 1856.]

1. Rules to be observed by sexton:

First—Record to be kept.

Second—No interment without certificate.

Third—Physician's certificate.

Fourth—Coroner's certificate.

Fifth—Mayor's certificate.

2. Duty of members of Board of Health.

3. Fences; their description and height.

4. Penalty.

5. Fences heretofore erected to be made to conform to this ordinance.

6. Hunting, &c., in cemetery prohibited; penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the sexton of Oak Hill Cemetery shall observe the following rules in making or permitting interments in said cemetery:

*First.* He shall, as far as practicable, ascertain and make a record of the name, age, last place of residence, nativity, time and cause of death of every person whose remains may be offered for burial in said cemetery.

*Second.* The sexton shall not suffer or permit the corpse of any person to be interred in said cemetery without a certificate stating the cause of the death of such person, from some one of the persons authorized by this ordinance to give such certificate.

*Third.* Whenever the deceased shall have had an attending physician during his or her last illness, such certificate shall be from such attending physician; but

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\*Extended to Locust Hill Cemetery. See Minutes of September 20, 1859—post, page 110.

if there shall be no attending physician, then such certificate shall be from the Board of Health or from some member thereof. Whenever the corpse shall have been landed from a steamboat, canal-boat, or other vessel, such certificate shall be from the master, captain or clerk thereof.

*Fourth.* Whenever an inquest shall be held on the body offered for burial, the certificate of the coroner, or other officer acting as coroner, setting forth in substance the finding of the jury, shall be a sufficient certificate under the requirements of this ordinance.

*Fifth.* If the Mayor of the city, after a careful inquiry into the facts, shall be satisfied that from any cause the certificate required by this ordinance cannot be obtained, he may give the sexton a statement in writing, setting forth the reason why such certificate cannot be obtained, and such statement shall be a sufficient authority to justify the interment.

SEC. 2. Whenever it shall be reported by the sexton, or by any other person, to any member of the Board of Health, that a person whose body may be offered for burial had no attending physician during his or her last illness, it shall be the duty of such member of the Board of Health immediately to inquire into the cause of the death of such person, and give the certificate contemplated by this ordinance.

SEC. 3. The following rules shall be observed in the erection of fences within said cemetery, to-wit:

*First.* Every fence within said cemetery, or enclosing any lot therein, shall be an open fence, so that the view from without may not be obstructed.

*Second.* No fence constructed of wood shall be more than two and a half feet high, and the spaces between the slats or bars shall not be less than ten inches wide.

SEC. 4. Any person who shall erect any fence in said cemetery in violation of the last section, shall forfeit and pay any sum not less than five nor more than ten

dollars; and the sexton shall moreover remove any fence which may hereafter be erected in violation of this ordinance.

SEC. 5. In all cases in which any fence shall have been heretofore erected in said cemetery, and does not conform in its structure to the requirements of this ordinance, it shall be the duty of the owner or claimant of the lot or lots enclosed by such fence, within ninety days from the first publication of this ordinance, to so alter such fence as to make it conform to the requirements of this ordinance, and on failure so to do, such owner or claimant shall be subject to the penalty mentioned in the last section, and such fence may be removed by the sexton.

SEC. 6. It shall not be lawful for any person to hunt or to drive or chase any game within the enclosure of said cemetery, or to shoot or discharge any firearms therein, or to ride or drive any horse or other animal over, upon or across any lot in said cemetery, or to hitch or fasten any horse or other animal to any tree in said cemetery, or to the fence enclosing any lot therein, or to deface, pencil, desecrate or otherwise defile or injure any monument, tomb-stone or grave-stone in said cemetery, or to injure or destroy any tree, shrubbery or plant in said cemetery; and any person violating any provision of this section shall forfeit and pay any sum not less than one dollar nor more than one hundred dollars.

JOHN HEWSON, Mayor.

Attest: WELL. H. WALKER, Clerk.

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AN ORDINANCE to extend to Locust Hill Cemetery the provisions of an ordinance passed May 19, 1856, entitled "An ordinance for the government and protection of Oak Hill Cemetery."

[PASSED SEPTEMBER 20, 1859.]

[Published and in force September 21, 1859.]

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the provisions of the ordinance

mentioned in the title of this ordinance, be and the same are hereby extended to Locust Hill Cemetery; and all the provisions of said ordinance shall, from and after the passage of this ordinance, apply to the said last mentioned cemetery, as fully as if the same were re-enacted, and the words "Oak Hill Cemetery" erased wherever they occur in said ordinance, and the words "Locust Hill Cemetery" inserted in their place.

• WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

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A SUPPLEMENT to an ordinance passed May 19, 1856, entitled "An ordinance for the protection and government of Oak Hill Cemetery."

[PASSED MARCH 17, 1860.]

[Published and in force March 22, 1860.]

1. Dilapidated fences to be removed.
2. Funeral processions must follow route indicated by the sexton.
3. Gate to be kept closed.
4. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any fence, enclosing any lot in said cemetery, falls down from decay, or becomes so dilapidated as to be useless or unsightly, it shall be the duty of the owner of the lot enclosed by such fence to cause the same to be repaired or reconstructed, and upon failure to do so, the sexton of said cemetery shall remove such decayed or dilapidated fence: *Provided,* That no fence shall be removed by the sexton in pursuance of the provisions of this ordinance, until the committee of the Common Council on cemeteries shall order its removal.

SEC. 2. That all funeral processions entering said cemetery shall follow the route which may be indicated by the sexton, or any person who may be acting as his assistant, and all the carriages in such procession shall follow the route taken by the front of the procession; and upon leaving the cemetery, all the carriages shall

take such route as will enable them to leave without driving over, upon or across any lot in said cemetery.

SEC. 3. It shall be unlawful for any person or persons going to or coming from said cemetery, to leave the gate thereof open, but every person having occasion to pass said gate, shall immediately close the same.

SEC. 4. Any person violating any provision of the second or third sections of this ordinance, shall for every such offence forfeit and pay any sum not less than one nor more than ten dollars.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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A FURTHER SUPPLEMENT to an ordinance passed May 19, 1856, entitled "An ordinance for the protection and government of Oak Hill Cemetery."

[PASSED MARCH 18, 1864.]

[Published and in force March 23, 1864.]

1. No horse or other animal permitted in cemetery, except such as are in funeral processions.
2. Large gates to be kept closed and fastened.
3. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall be unlawful for any person or persons to ride or lead any horse or other animal within the enclosure of Oak Hill Cemetery, or Locust Hill Cemetery, nor shall any horse or other animal be permitted within the enclosure of either of said cemeteries, except such animals as may be used in drawing vehicles attending funeral processions, and such as may be required in repairing the roads and managing said cemeteries respectively.

SEC. 2. That it shall be the duty of the sextons of said cemeteries respectively to keep the large gates of said cemeteries closed and fastened, and to cause the same to be opened only for the purpose of admitting

funeral processions and such vehicles as may be required to pass within said enclosure for the purpose of preparing for interments, or keeping said cemeteries in repair.

SEC. 3. Any person or persons violating any provision of this ordinance, shall, on conviction, forfeit and pay any sum not exceeding ten dollars.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

**AN ORDINANCE concerning dogs, hogs, and other animals.\***

[PASSED SEPTEMBER 13, 1859.]

(Published and in force September 19, 1859.)

1. All dogs to be reported to Assessor for taxation.
2. Dogs running at large must wear collar, with owner's name marked thereon.
3. Dogs, how returned and taxed after return of assessment roll.
4. Collar must not be removed.
5. Council may order dogs to be confined.  
Council may prohibit persons from bringing dogs to the city. Duty of Marshal.
6. Order of Council; how to be published.
7. Bitches not permitted to run at large. Duty of Marshal.
8. Dogs running at large contrary to this ordinance may be killed. Duty of Marshal.
9. Penalty.
10. Hogs not permitted to run at large; penalty.
11. Hogs running at large to be impounded and sold by the Marshal.
12. Fees of Marshal.
13. Impounded animals may be redeemed; when.
14. City not liable for fees.
15. Proceeds of animals sold, how disposed of.
16. Repeal.

**SECTION 1. Be it ordained by the Common Council of the City of Evansville, &c.**

[Sections 1, 2, 4, 5, 6 and 8 repealed. See post.]

SEC. 3. Should any person become the owner of any dog or bitch after the return of the assessment roll, such person shall report such dog or bitch to the Collector, who shall thereupon place the same upon his list of dogs and bitches subject to taxation, and collect the tax thereon; and it shall also be the duty of such

\*See ordinance as to markets, &c., passed December 26, 1859, for regulation as to dogs in the markets.

person to put a collar marked with the owner's name around the neck of such dog, and cause the same to be securely fastened and kept around the neck of such dog.

SEC. 7. It shall be unlawful, from and after the passage of this ordinance, under any pretence whatever, for any person to suffer or permit a bitch to run at large within the city, and if any bitch shall be found running at large within the city, she may be lawfully killed by any person; and it shall be the duty of the Marshal to cause such bitch to be killed, if she is not killed by any other person.

SEC. 9. Every person who shall neglect to perform any duty required of him by the foregoing sections of this ordinance, or who shall violate any of the provisions of said sections, shall for every such offence forfeit and pay not less than one dollar nor more than ten dollars; and all ordinances in relation to dogs and bitches heretofore enacted are hereby repealed.

SEC. 10. That hereafter it shall not be lawful for any person to suffer or permit any hog, swine, pig, or goat to run at large within the city; and any person offending against the provisions of this section shall for every such offense forfeit and pay any sum not less than one dollar nor more than ten dollars.

SEC. 11. Whenever any animal contemplated by the last preceding section shall be found running at large within the city, the Marshal shall (or any person who may be annoyed by such animal may) seize the same, and it shall be the duty of the Marshal to impound such animal in some convenient place to be provided for that purpose, where the same shall be kept until it is sold under the provisions of this ordinance. All such sales shall be at public auction, and may be on any day of the week (Sundays excepted), commencing at four o'clock P. M.

SEC. 12. The Marshal, for impounding each hog, pig, or goat, shall be allowed fifty cents, and for selling the

same twenty-five cents, to be paid out of the proceeds of the sale of such animal (or by the owner thereof, if the same is redeemed before sale), and not otherwise.

SEC. 13. The owner of any animal which may be impounded under this ordinance may, at any time before the sale thereof, redeem such animal from sale by paying to the Marshal the minimum penalty prescribed by the tenth section of this ordinance, together with the Marshal's fee for impounding such animal.

SEC. 14. The city shall not in any event be liable for the Marshal's fees for impounding or selling any animal under this ordinance.

SEC. 15. The surplus arising from the sale of any such animal, after paying the Marshal's costs and the minimum penalty aforesaid, shall be paid into the city treasury, and shall be paid out to the owner of the animal whenever the Council (upon being satisfied as to who was the owner) shall so order and direct.

SEC. 16. All ordinances heretofore passed in relation to the animals enumerated in the tenth section of this ordinance, and all ordinances in relation to fowls, are hereby repealed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE concerning dogs.

[PASSED APRIL 22, 1867.]

SECTION 1. *Be it ordained by the Common Council of the city of Evansville,* That from and after the 15th day of May, A. D. 1867, it shall be unlawful for any person or persons to own, possess, or harbor, or to have the care of any animal of the dog kind within said city, or to suffer or permit any animal of the dog kind to run at large in any of the streets, alleys, public grounds, markets, market spaces, wharves, or commons of said city, without first obtaining a license therefor, and complying with the provisions of this ordinance.

SEC. 2. The price of a license to own, possess, or harbor any animal of the dog kind, or to permit such animal to run at large within said city, shall be as follows, viz.: for a dog, for any period not exceeding one year, the sum of five dollars; and for a bitch, for any period not exceeding one year, the sum of ten dollars: *Provided*, That a license for a bitch shall not be held or understood as a permit for such animal to be allowed to run at large, but only as permission or authority to keep such animal; and no license shall be paid under this ordinance for any period longer than until the 1st day of January, ensuing the date of such license.

SEC. 3. That the Clerk shall issue, or cause to be issued, to each applicant, on demand, a written or printed license, whereby the dog or bitch owned, possessed, or harbored by the applicant shall be licensed to be kept, and permitted to run at large within said city, for the period of time mentioned in such license: *Provided*, The applicant for such license, during such period, shall faithfully observe and comply with all the provisions of this ordinance, and orders of the Common Council of said city relating to dogs. The Clerk shall also furnish and deliver to each applicant a check, of iron, brass, or copper, marked and numbered to correspond with the license. He shall cause a register to be kept, in which shall be entered the name of the applicant, the number of the license and check, the amount paid therefor, and time of expiration of the same. For each license and check the applicant therefor shall, at the time of receiving the same, deliver to the Clerk the receipt of the Treasurer for the amount required to be paid therefor, as fixed by this ordinance. He shall also pay to the Clerk a fee of fifty cents.

SEC. 4. That it shall be unlawful for any person or persons to own, possess, or harbor, or to have the care of any animal of the dog kind, or to permit any such animal to run at large within said city, without a sub-

stantial collar of leather, iron, brass, or copper, or other durable material, to which the license check, referred to in the third section of this ordinance, shall be securely attached; and it shall be unlawful for any person or persons to suffer or permit any animal of the dog kind to wear any license check other than the identical one issued by the Clerk for such animal; and in case of the loss of any such check, a duplicate may be issued by the Clerk, at the expense of the applicant.

SEC. 5. That it shall be unlawful for any person or persons to remove either the collar or the check from any licensed animal of the dog kind, unless done by consent of the owner of such animal.

SEC. 6. That it shall be unlawful for any person or persons owning, possessing, or harboring, or having the care of a vicious or fierce dog or bitch, to suffer or permit such animal to be unconfined or run at large anywhere within the limits of said city, either with or without such license collar and check.

SEC. 7. That it shall be unlawful for any person or persons to harbor, keep or permit about his or their premises, or elsewhere within the limits of said city any animal of the dog kind, which, by loud and frequent, or habitual barking, howling, or yelping, shall cause annoyance or disturbance to the neighborhood, or any portion of the inhabitants of the neighborhood; and any person who shall allow or permit any animal of the dog kind habitually to remain and be lodged or fed within his or her house, store, stable, or enclosure, shall be considered as harboring the same, within the meaning of this ordinance.

SEC. 8. That whenever the Common Council of said city may apprehend that there is danger of the existence or spread of hydrophobia within or near said city, they may, by resolution or otherwise, authorize or require the Mayor to issue a proclamation, ordering and requiring all persons owning, possessing, or harboring,

or having the care of any animal of the dog kind, either to confine or muzzle such animal, for a term not less than thirty, nor more than ninety days ensuing the date of each proclamation ; and upon the issuing of such proclamation it shall be the duty of all persons owning, possessing, or harboring, or having the care of any animal of the dog kind, during the time mentioned in such proclamation, to confine such animal securely to his or her house, or outhouse, storehouse, or premises, so as to prevent such animal from biting, or being bitten by other animals, or to cause such animal to be securely and effectually muzzled ; and no muzzle shall be lawful unless it be made of wire, and of such form and strength, and so attached and fastened, as will effectually prevent such animal from biting ; and during the time mentioned in such proclamation, any animal of the dog kind which may be found running at large within the city without being so muzzled, is hereby declared a nuisance.

SEC. 9. That it shall be the duty of the Marshal and Policemen of the city to kill every animal of the dog kind found running at large within the limits of the city, at any time after the said 15th day of May, 1867, without the collar and license check required by this ordinance ; and it shall be lawful for any person or persons to kill any or all such dogs found running at large after said time, without collar and check.

SEC. 10. That upon the issuing of any such proclamation by the Mayor, in pursuance of the 8th section of this ordinance, it shall be the duty of the Marshal and Policemen, respectively, to kill any animal of the dog kind found running at large within the city, during the time mentioned in such proclamation, without being securely and effectually muzzled, as required by this ordinance ; and it shall be lawful for any other person or persons to kill any and all such unmuzzled dogs, during such time.

SEC. 11. That it shall be unlawful for any person or

persons to cause or incite dogs to fight; and it shall be the duty of the Marshal and Policemen of the city to prevent dog fights; and, for this purpose, they may kill any dog or dogs found fighting within said city, if they find it impracticable otherwise to prevent the same.

SEC. 12. Any person or persons owning, possessing or harboring any animal of the dog kind, and permitting the license check to remain or be kept upon the collar or neck of such animal after the expiration of the time mentioned in the license accompanying such check, or using any false check, in imitation of the check required by this ordinance, shall, on conviction, forfeit and pay not less than twenty, nor more than fifty dollars.

SEC. 13. Any person or persons owning, possessing, harboring, or having the care of any animal of the dog kind, without obtaining a license therefor, and affixing and keeping the collar and check upon the neck of such animal, shall, on conviction, forfeit and pay not less than ten, nor more than thirty dollars.

SEC. 14. Any person or persons neglecting any other duty, or violating any provisions of this ordinance, shall forfeit and pay not less than ten, nor more than thirty dollars.

SEC. 15. The first, second, third, fourth, fifth, sixth and eighth sections of an ordinance concerning dogs, hogs, and other animals, passed September 13th, 1859, are hereby repealed. W. BAKER, Mayor.

Attest: A. M. MCGRIFE, Clerk.

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AN ORDINANCE to amend the second section of an ordinance, passed April 22, 1857, entitled "An Ordinance Concerning Dogs."

[PASSED DECEMBER 16, 1867.]

SECTION 1. Be it ordained by the Common Council of the City of Evansville, That from and after the first day of

January, 1868, the price of a license to own, possess or harbor any animal of the dog kind, shall be as follows, viz: for a dog, for any period not exceeding one year, three dollars, and for a bitch, for any period not exceeding one year, five dollars, instead of the rates fixed by the second section of said ordinance, of April 22, 1867.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE to amend "An Ordinance establishing ten election precincts within the city of Evansville, and prescribing the places at which the voters of the several Wards shall vote at city elections, and fixing the place for the meeting of the Return Judges, and repealing former ordinances."

[PASSED NOVEMBER 9, 1870.]

1. Amending ordinance of November 9, 1870; describing the precincts and designating places for holding elections.
2. Return Judges shall meet at Council Chamber.
3. Repeal of ordinances in conflict.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That an ordinance, entitled as above, passed by the Common Council, on the 9th day of November, A. D. 1870, be and the same is hereby amended, so as to read as follows, to-wit:

SEC. 1. *Be it ordained by the Common Council of the City of Evansville,* That the city of Evansville be and the same is hereby divided into ten (10) election precincts, to be known and designated as the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Precincts of the city of Evansville.

The First Precinct shall consist of the First Ward of the city, and the place for holding city elections shall be at the store of Henry Kirchof, on the corner of Canal and Eighth streets, the same being within said First Ward.

The Second Precinct shall consist of the Second Ward of the city, and the place for holding city elections shall be at the store of A. J. Gillette, on the corner of Fourth and Oak streets, the same being within said Second Ward.

The Third Precinct shall consist of the Third Ward of the city, and the place for holding city elections shall be at the Court House, where the Circuit and Common Pleas Courts hold their sessions, on the corner of Main and Third streets, the same being within said Third Ward.

The Fourth Precinct shall consist of the Fourth Ward of said city, and the place for holding city elections shall be at the residence of Philip Negele, on the corner of Fifth and Sycamore streets, the same being within said Fourth Ward.

The Fifth Precinct shall consist of the Fifth Ward of said city, and the place for holding city elections shall be at the store of John Dannetell, on the corner of Ingle and Market streets, the same being within said Fifth Ward.

The Sixth Precinct shall consist of all that part of the Sixth Ward of said city lying on the east side of Pigeon Creek, and the place for holding city elections shall be at the Engine House, situate on the corner of Fourth and Walker streets, in that part of Evansville formerly known as Lamasco City, the same being within said Sixth Ward.

The Seventh Precinct shall consist of the Seventh Ward of said city of Evansville, and the place for holding city elections shall be at the store of William Lerche, on the corner of Third avenue and Seventh streets, the same being within said Seventh Ward.

The Eighth Precinct shall consist of the Eighth Ward of said city, and the place for holding city elections shall be at the store of Charles Schraeder, on Oakley street, between Sixth and Franklin streets, the same being within said Eighth Ward.

The Ninth Precinct shall consist of the Ninth Ward of said city, and the place for holding city elections shall be at the Pottery Warerooms of A. & L. Uhl, on

the corner of Ninth and Main streets, the same being in the Ninth Ward.

The Tenth Precinct shall consist of all that part of the Sixth Ward of said city lying on the west side of Pigeon Creek, and the place for holding city elections shall be at the store of William Alexander, on the corner of Fourth street and Ninth avenue, (Independence), the same being within said Tenth Ward.

SEC. 2. On the Wednesday next succeeding any city election, between the hours of 10 o'clock A. M. and 4 o'clock P. M. of said day, the Judges and Inspectors of the several Wards or Election Precincts, who hold the certificates of the result of any election in said Wards or Precincts, shall meet at the Council Chamber of said city, for the purpose of comparing their certificates and discharging the duties imposed by the several sections of the Charter.

SEC. 3. All ordinances and parts of ordinances in conflict with this ordinance shall be and the same are hereby repealed.

E. G. VAN RIPER, Mayor *ad interim.*

Attest: WILLIAM HELDER, Clerk.

AN ORDINANCE defining the limits within which no frame, wooden, or other combustible building shall be erected, and within which no lumber-yard or wood-yard shall be established or continued.

[PASSED APRIL 30, 1859.]

(Published and in force May 17, 1859.)

1. Fire limits defined.
2. Certain structures prohibited.
3. Lumber-yards prohibited; proviso.
4. Permit may be granted.
- 5 and 6. Penalty.
7. Repeal.

SECTION 1.\* *Be it ordained by the Common Council of the City of Evansville,* That the following portions of the city of Evansville shall be known and designated as "the fire limits of the city of Evansville," to-wit: The

\* Section 1 amended. See ordinance of March 5, 1866, Section 1—post.

whole of the Lower (or McGary's) Enlargement of said city, and also so much of said city as is included within the following boundaries, to-wit: Beginning at the corner of Water and Cherry streets, and running thence along Cherry street to Fourth street, thence along Fourth street to Chestnut street, thence along Chestnut street to the canal, thence along the south-west side of the canal to Division street, thence along Division street to Water street, and thence along Water street to the place of beginning.

SEC. 2. That hereafter no dwelling-house, shed, kitchen, store-house, warehouse, carpenter-shop, blacksmith-shop, or any other house, building, or shed of any kind or description whatever, except the same shall be built of stone or brick, shall be erected, removed to, or placed upon any lot or lots or parcel of ground within said fire limits, as defined in the first section of this ordinance.

SEC. 3. That hereafter it shall not be lawful to establish or continue, on any lot or parcel of ground within the said fire limits, as defined by the first section of this ordinance, any lumber-yard or wood-yard, or to deposit or keep for sale on any such lot or parcel of ground any wood, lumber, boards, shingles, or other combustible materials: *Provided, however,* That any person who may now keep any lumber or wood-yard within said fire limits shall be allowed six months from the publication of this ordinance within which to remove or discontinue the same; and during that time such persons shall not be subject to the penalties hereinafter prescribed for continuing such lumber or wood-yard.

SEC. 4. The Common Council may, by a vote of two-thirds of all the Councilmen, and upon petition, grant any person or persons permission to establish or continue a lumber-yard or wood-yard, or to erect a wooden or other combustible building within the fire limits aforesaid.\*

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\*See ordinance of May 30, 1863—post.

SEC. 5. Any person or persons who shall violate the provisions of the second section of this ordinance shall for every such offense forfeit and pay not less than fifteen nor more than one hundred dollars, and shall also forfeit and pay not less than five nor more than twenty dollars for each week during which he shall suffer or permit any such house, out-house, shed, or other building (erected contrary to the provisions of said second section) to continue within said fire limits.

SEC. 6. Any person or persons who shall violate the provisions of the third section of this ordinance shall forfeit and pay not less than five nor more than fifty dollars, and shall also forfeit and pay for every day during which such lumber-yard or board-yard shall be continued within said fire limits the further sum of not less than five nor more than fifty dollars.

SEC. 7. The ordinance entitled "An Ordinance defining the limits within which no frame or wooden building shall be erected," passed May 1, 1847, and all ordinances passed subsequently defining the fire limits of the city, are hereby repealed: *Provided, however,* That nothing herein contained shall prohibit the city from punishing any infraction of any ordinance hereby repealed which may have occurred prior to the passage of this ordinance, but for the purpose of punishing all such infractions said former ordinance shall remain in force as if this ordinance had not been passed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE to amend the first section of an ordinance passed April 30, 1869, entitled "An Ordinance defining the limits within which no frame, wooden, or other combustible building shall be erected, and within which no lumber-yard or wood-yard shall be established or continued."

[PASSED MARCH 5, 1866.]

[Published and in force March 7, 1866.]

1. Fire limits defined.
2. Repeal.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That the following portions of the City of Evansville shall hereafter be known and designated as "the fire limits of the City of Evansville," to-wit :All that portion of said city embraced within the limits, viz.: Beginning on the Ohio River at Cherry street, and running thence by Cherry to Fifth street; thence by Fifth street to Locust street; thence by Locust to Seventh street; thence by Seventh to Sycamore street; thence by Sycamore to Fourth street; thence by Fourth to Division street; thence by Division to Market street; thence by Market to Ingle street; thence by Ingle to Carpenter street; thence by Carpenter to Center street; thence by Center to Leet street; thence by Leet street to the Ohio River; and thence by the river to the place of beginning.

SEC. 2. That all ordinances passed subsequently to the 30th day of April, 1859, fixing or changing the fire limits of the city, be, and the same are hereby, repealed.

W. BAKER, Mayor.

Attest: A. M. MCGRUFF, Clerk.

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AN ORDINANCE to further amend the first section of an ordinance passed April 30, 1859, entitled "An Ordinance defining the limits within which no frame, wooden or other combustible building shall be erected, and within which no lumber-yard or wood-yard shall be established or continued.

[PASSED SEPTEMBER 26, 1870.]

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That the "Fire limits of the City of Evansville," as established by the first section of the ordinance, to which this is an amendment, be so extended as to include within said fire limits the following described territory, to-wit:

Block No. nine (9) in Stockwell's Enlargement of the city of Evansville, said block being bounded by Division, Fifth, Ingle and Canal streets of said city.

E. G. VAN RIPER, Mayor *ad interim.*

Attest: WILLIAM HELDER, Clerk.

## AN ORDINANCE concerning the Fire Department.

[PASSED MAY 7, 1847.]

[Published and in force May 25. 1847.]

5. Duty of Marshal.
6. Duty of all other persons present at fires. Penalty.
7. Must not delay or obstruct fireman in the discharge of their duties. Penalty.
8. Water must not be taken from public cisterns. Penalty.
9. Hearths; how they must be constructed.
10. Stove-pipes; how to be put up.
11. Chimneys and fire-places; how to be constructed.
12. Fire wardens; their duties. Penalty.
13. Fire wardens must not be resisted. Penalty.
14. Penalty.

SECTIONS 1, 2, 3 and 4, repealed.

SECTION 5. *Be it ordained by the Common Council of the City of Evansville,* That it shall be the duty of the Marshal and his deputies, on every alarm of fire, to repair to the place where such fire may happen, for the preservation of the public peace; and when there, the Marshal and his deputies shall remove all suspicious persons or other persons not usefully employed in the extinguishment of such fire, or the preservation of property.

SEC. 6. Every able-bodied male inhabitant of the city who is not a fireman, when present at any fire that shall take place therein, shall there do and perform every reasonable thing considered necessary and ordered to be done by the Mayor, chief director of the fire department, or foreman of any company, for the arrest and extinguishment of such fire, and the care and preservation of property; and if any such person shall neglect or refuse to obey the direction of either of the officers aforesaid, or at the time of such fire be guilty of any disorderly or improper conduct, such person shall forfeit and pay not less than one nor more than fifty dollars.

SEC. 7. If any person (not a fireman) shall in any manner assume the direction or control of any engine or other fire apparatus, or give any order to any fireman, or delay or obstruct any fireman in the discharge

of his duty in time of any fire, or during any fire deface, brake, injure, tread on or ride or drive any animal over or upon any of the fixtures, apparatus, hose, hooks or ladders of any of said fire companies, or in any way whatever improperly touch or meddle with any of the same, without being directed so to do by one of the officers aforesaid, such person so offending shall for every such offense forfeit and pay any sum not exceeding fifty dollars.

SEC. 8. If any person shall take away or use water out of or from any of the public cisterns, except for the purpose of extinguishing fires, or for washing, cleansing or exercising the public engines or other apparatus belonging to the fire department, or open and leave uncovered any of said cisterns, every person so offending shall, for every such offense, forfeit and pay any sum not exceeding ten dollars.

SEC. 9. Every hearth hereafter built within the city shall be constructed on a stone or brick arch; and in all cases when the back of the fire-place shall be three feet or more wide, the hearth shall extend at least twenty-two and one-half inches in front beyond the jambs, and when the back of the fire-place shall be less than three feet wide, the hearth shall extend not less than eighteen inches in front beyond the jambs.

SEC. 10. Every stove-pipe now up, at its intersection with any floor, partition, roof, or side of a house, shall be made to pass through a crock, or if it pass through a window it shall be enclosed with tin or sheet-iron; and hereafter no stove-pipe shall be put up unless the same passes into a chimney or flue, and no such stove-pipe hereafter put up shall pass through any floor, partition, roof, window or side of a house.

SEC. 11. Every chimney or flue hereafter built in any house in the city, shall have its foundation either upon the earth or first floor of such house, and shall extend above the roof or side of such house at least three feet,

and in all cases there shall be in the fire-place at least thirteen inches of brick or stone between the inside of such fire-place and any timber or other combustible material in such house, and in every flue there shall be at least four inches of brick or stone between the inside of every such flue and any wood or other combustible material in such house, and when any flue is started from the first floor of any house, there shall be at least twelve inches of solid stone or brick work between such floor and the first opening for a stove-pipe.

SEC. 12. The Common Council shall annually appoint one fire warden in each ward of the city, whose duty it shall be to examine all fire-places, grates, stoves, furnaces, chimneys, stove-pipes, flues, and other places used for the passage of smoke, or in which fires are made, at least once during the months of November and January, and at such other times as may be necessary, and when requested so to do by any person interested; and if any place used for the passage of smoke, or in which fires are made, is in a dangerous and exposed situation, to notify the person or persons using or occupying the same to alter or repair it, so that in all things it shall conform to the requirements of the ninth and tenth sections of this ordinance. And if any person or persons, after being notified as aforesaid, shall not forthwith proceed to alter or repair the same according to the requirements of said sections, such person or persons shall forfeit and pay not less than one nor more than ten dollars.

SEC. 13. Should any person or persons resist or prevent any fire warden from entering any house or other building or place between the hours of ten o'clock A. M., and four o'clock P. M., for the purpose of discharging any duty imposed on him by any ordinance, by-law or order of the Council, such person or persons shall for every such offense, forfeit and pay not less than one dollar nor more than twenty dollars.

SEC. 14. Every person who shall neglect any of the du-

ties prescribed by, or violate any of the provisions of the ninth, tenth or eleventh sections of this ordinance, shall for every such neglect or violation forfeit and pay not less than one nor more than twenty dollars.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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AN ORDINANCE establishing a fire department, and for preventing and extinguishing fires.

[PASSED SEPTEMBER 20, 1859.]

[Published and in force September 23, 1859.]

1. City divided into two districts.
2. Fire department, what to consist of.
3. Chief and assistant engineers, their term of office and duties.
4. Form of certificate of appointment.
5. Oath of office.
6. Companies, how organized, &c.,
7. Board of supervisors, their powers and duties.
8. Duties of engineers.
9. Authority and duties of chief engineer,
10. Duty of assistants, in absence of chief engineer.
11. Member of department not to be discharged except for cause specifically assigned in writing.
12. Duties of captains of companies.
13. Duties of officers and members of companies..
14. Badges and other insignia.
15. Company must not leave the city without permission.
16. No association allowed except by permission of Council.
17. Companies under control of Council.
18. Annual appropriation.
19. Constitution of companies.
20. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville, That the said be, and the same is hereby, divided into two fire districts, as follows: The first district shall consist of all that part of the city which is situated below or on the western side of Vine Street, extended through to the northern boundary of the city; and the second district shall consist of all that part of the city not included in the first district.*

SEC. 2. The fire department of the city shall consist of one chief engineer for the city at large, and two assist-

ants, one for each of said districts, and of such regularly organized steam engine, hand engine, hook-and-ladder and hose companies as may be received into actual service by the Common Council,

SEC. 3. There shall be chosen by the Common Council, immediately after the taking effect of this ordinance, a chief engineer and two assistants, who shall serve until the first regular meeting of the Council in May, 1860, and until their successors are chosen; and at the said first meeting of the Council in May, 1860, and annually thereafter, a chief engineer and two assistants shall be chosen by the Council, and shall hold their respective offices for the term of one year, and until their successors are chosen and qualified, unless the Council for good cause should sooner remove them or either of them from office. The said assistant engineers are to act as chief engineer in their separate districts in the absence of the chief engineer, and shall act as fire wardens in their respective districts, and shall have such other powers and perform such other duties as may be legally devolved upon them.

SEC. 4. Each engineer shall, upon his appointment, receive a certificate, in the following form, to-wit: This certifies that \_\_\_\_\_ is appointed chief engineer (or assistant engineer for the \_\_\_\_\_ district) of the fire department of the city of Evansville, and is entitled to all the powers and immunities belonging to said office: to be signed by the Mayor and attested by the clerk of the Council, and sealed with the seal of the city.

SEC. 5. The chief engineer and each assistant engineer shall, before receiving said certificate, take and subscribe an oath, to be filed with the clerk of the city, that he will faithfully and honestly perform the duties of his office during his continuance in such office.

SEC. 6. Any steam engine, hand engine, or hook-and-ladder company now in existence or hereafter to be organized may be received into actual service by the Common Council. Each volunteer company shall consist of a

captain and such inferior officers as its constitution may prescribe; and each hand engine company and each hook-and-ladder company shall be composed of not less than forty active working members, and before being received into actual service shall present to the Council and file with the clerk a copy of its constitution, and a list or roll of all its officers and members; and if said company is received into actual service, said constitution and list shall be filed and preserved by the clerk.

SEC. 7. The chief and assistant engineers, the committee of the Common Council on the fire department, and the captains of the several companies, shall form a Board of Supervisors; and said Board shall appoint one of their own number President and another Secretary, and may make such rules and regulations for their own government as they may see fit. Said Board shall be responsible for the discipline, good order, and proper conduct of the whole department, both officers and men, and for the care of the houses, engines, hose-carriages, and other furniture and apparatus thereunto belonging. They shall have the superintendence and control of all the engine and other houses used for the purpose of the fire department, and all the furniture and apparatus thereunto belonging, and of the engines and all other fire apparatus belonging to the city, and over the officers and members of the several companies attached to the fire department, and over all persons present at fires; and they may make such rules and regulations for the better government, discipline, and good order of the department, and for the extinguishment of fires, as they may from time to time think expedient, the same not being repugnant to the laws of this State or to any ordinance of the city, and being subject to the approval of the Common Council.

SEC. 8. It shall be the duty of the engineers, whenever a fire breaks out in the city, to immediately repair to the place of such fire, and to carry with them a suitable staff or badge of their office, and to take proper measures that

the several engines and other apparatus be arranged in the most advantageous situations, and only worked for the effectual extinguishment of fires, to call for assistance, if need be, from all persons present at any fire, as well as members of the department, to assist in extinguishing fire, removing goods or other merchandise from any building on fire or in danger thereof, and to appoint guards to secure the same, and also in pulling down or demolishing any house or building if necessity require, and further to suppress all tumults or disorder. It shall also be the duty of said engineers to cause order to be preserved in going to, working at, and returning from fires, and at all other times when companies attached to the department are on duty.

SEC. 9. The chief engineer shall have the sole command at fires over all other engineers, all members of the fire department, and all other persons who may be present as such fires; and he shall take all proper measures for the extinguishment of fires, the protection of property, the preservation of order, and to cause the laws, ordinances, and regulations respecting fires and the fire department to be observed; and it shall be the duty of said chief engineer to examine into the condition of the engines and all other fire apparatus, and the engine and other houses belonging to the city used for the purpose of the fire department, and the companies attached thereto, as often as the circumstances may render it expedient, or whenever directed so to do by the Common Council or by the Board of Supervisors, and annually to report the same to the Council; also to cause a full description of the same, together with the name of the officers and members of the fire department, to be published annually, in such manner as the Common Council shall direct; and whenever the engines or other fire apparatus, engine or other houses used by the fire department, require alterations, additions, or repairs, the chief engineer, under the direction of the Common Council, shall cause the same to be made; and it shall moreover be the duty of the chief engineer to re-

ceive and transmit to the Common Council all returns of officers, members, and fire apparatus made by the respective companies, as hereinafter prescribed, and all other communications relating to the officers of the fire department; to keep fair and exact rolls of the respective companies, specifying the time of admission and discharge, and the age of each member, which he shall report in writing to the clerk of the Council, who shall file said report in his office; and said engineer, if directed so to do by the Common Council, shall report all accidents by fire which may happen within the city, with the causes thereof, as well as can be ascertained, and the number and description of the buildings destroyed, as near as can be ascertained, together with the names of the owners or occupants thereof.

SEC. 10. In case of the absence of the chief engineer, the assistant engineer in whose district the fire may occur shall exercise all the duties and possess all the powers of that officer; and if the assistant engineer in whose district the fire may occur shall also be absent, the other assistant engineer shall act as chief engineer for the time being.

SEC. 11. No officer or member shall be discharged from the fire department on account of his religious or political opinions, nor for any cause not specifically assigned to him in writing.

SEC. 12. It shall be the duty of the captains of the several fire companies to see that the engines and apparatus committed to their care, and the several buildings in which the same are deposited, and all things in or belonging to the same, are kept neat and clean, and in order for immediate use. It shall also be their duty to preserve order and discipline at all times in their respective companies, and require and enforce a strict compliance with the city ordinances, the rules and regulations of the department, and the orders of the Board of Supervisors. They shall also keep, or cause to be kept, fair and exact rolls, specifying the time of admission, discharge, and age of each

member, and accounts of all the city property entrusted to the care of the several members, and of all absence and tardiness among the same, in a book provided by the city for that purpose, which roll and record-book shall always be subject to the order and inspection of the Board of Supervisors.

SEC. 13. It shall be the duty of the officers and members of the several companies, whenever a fire shall break out in the city, to repair forthwith to their respective houses, and to convey their engines and the carriages containing their apparatus to the place of the fire as speedily and in as orderly a manner as possible, and in conformity with the directions of the chief or other engineers; to exert themselves in the most orderly manner possible in working and managing the engines, hose, hooks and ladders, and other apparatus belong to each company respectively, and in performing any duty that they may be called upon to do by the chief engineer or either of his assistants; and upon permission of the chief or other engineer, acting as chief engineer, each company shall, in an orderly and quiet manner, return its engine, carriage, and other apparatus to their respective places of deposit: *Provided*, That in the absence of the chief engineer and both his assistants, the Mayor of the city, if present, may designate one of the captains to act as chief engineer for the time being; and if the Mayor is absent, such designation may be made by a majority of the captains present.

SEC. 14. The officers and members of the several companies shall wear such caps, badges, or other insignia as the Board of Supervisors may from time to time direct, and no other person or persons shall be permitted to wear the same.

SEC. 15. No company shall leave the city, in case of a fire in the neighborhood of the city, except by the express order of the chief engineer or one of the assistant engineers; and no company shall leave the city on an excur-

sion, or appear on the streets as fireman except in case of an alarm of fire or on funeral occasions, unless by express direction or permission of the Common Council.

SEC. 16. No association or organized club or society of firemen, as such shall be allowed except by the express permission of the Common Council.

SEC. 17. Every company which may be received into actual service shall in allthings be under the control of the Council, and subject to be disbanded on account of improper conduct, or whenever the interest or convenience of the city may require it.

SEC. 18. That for the purpose of enabling the several hand engine fire companies which may be received into actual service to pay for fuel, oil, and other ordinary expenses, there is hereby appropriated to each of said companies the sum of two hundred and fifty dollars per annum, payable quarterly.

SEC. 19. The constitution, of each hand engine company shall contain a provision that, if the city pays the entire appropriation made by the eighteenth section of this ordinance to such company, no member of such company shall, for the year for which such appropriation may be received, claim any exemption from taxation by reason of his being a member of such company.

SEC. 20. The first, second, third, and fourth sections of an ordinance passed may 7, 1847, entitled "An Ordinance concerning the fire department," and all other ordinances inconsistent with this ordinance, be, and the same are hereby, repealed; but the remaining ten sections of said ordinance of May 7, 1847, are continued in force.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to protect the hose and other apparatus of the city for the extinguishment of fires.

[PASSED MAY 7, 1860.]

(Published and in force May 10, 1860.)

1. Hose, when laid in streets, not to be run over or injured.
2. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That, whenever any hose belonging to the city, or to any hose or fire company within the city, may be laid down in any street or alley, at the time of any fire or alarm of fire, or at any other time by order of the Common Council, the Mayor, or the chief or other engineer of the fire department of the city, it shall be unlawful for any person or persons to lead, ride, or drive any horse or other animal over or upon the same, or to drive or haul any vehicle over or upon the same, or in any other manner to injure such hose, or any engine or other apparatus belonging to the city, or to any fire or hose company within the city.

SEC. 2. Any person or persons who shall violate any of the provisions of this ordinance shall, for every such offense, forfeit and pay not less than five nor more than fifty dollars.

WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to prevent steam fire engines, hose carriages, and hook and ladder carriages from being hindered or delayed while proceeding to a fire.

[PASSED MAY 31, 1870.]

1. Ordinance as to fast driving not to apply to officers of fire department in case of fire.
2. Drivers of vehicles to give way to engines, &c., and penalty for hindering the same.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That, whenever a fire breaks out in said city, it shall and may be lawful for the steam fire engines, hose carriages, hook-and-ladder carriage, and all other apparatus of the city for the extinguishment of fires to be hauled through the streets of the city at

such rate of speed as may seem necessary and proper to the officers in charge thereof, and the ordinance against fast driving shall not be held to apply to the said officers on such occasions.

SEC. 2. That all drivers of all vehicles shall be required to give place and room to the steam fire engines, hose carriages, hook-and-ladder carriages, and all other fire apparatus, when they are proceeding to a fire, and it shall be unlawful for any person or persons to obstruct, hinder, delay or fail to give room and place to the said engines, carriages and fire apparatus, when they are proceeding to a fire, and all persons who shall violate this ordinance or any of the provisions thereof shall, for every such offense, forfeit and pay not less than five nor more than fifty dollars.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

A SUPPLEMENT to an ordinance passed April 30, 1859, entitled "An ordinance defining the limits within which no frame, wooden or other combustible building shall be erected, and within which no lumber-yard or wood-yard shall be established or continued."

[PASSED MAY 30, 1863.]

(Published and in force June 6, 1863.)

1. Permission to erect wooden buildings within fire limits, how procured.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter, permission to erect a wooden or other combustible building within the fire limits of the city shall not be granted by the Council, unless the applicant shall have given at least two weeks public notice in two newspapers of the city, of his intention to make such application, stating in said notice the place where, and the size and character of the building proposed to be erected.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

AN ORDINANCE to prohibit the making of fires and throwing of fire-balls or other ignited substances in the streets, alleys, or grounds of the city.

[PASSED APRIL 17, 1847.]

(Published and in force May 8, 1847.)

1. Burning of shavings, &c., in streets and alleys.
2. Throwing fire-balls, &c., prohibited. Proviso.
3. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person or persons to kindle, or cause to be kindled, any fire for the purpose of burning shavings or other combustible matter in any street, alley or open lot in the city of Evansville, at any other time than between daylight and four o'clock P. M., or at any time, in any street, alley or open lot within the city, within twenty feet of any building therein.

SEC. 2. It shall be unlawful for any person or persons to throw fire-balls, fire-brands, or any other ignited substance or substances, or aid, abet or assist in throwing the same, any where within the limits of the city: *Provided,* That nothing herein contained shall be construed to prohibit the use and exhibition of any fireworks on the fourth day of July, Christmas day, the first day of January, the eighth day of January, the twenty-second and twenty-third days of February.

SEC. 3. Any person or persons violating the provisions of this ordinance shall, for every such offense, forfeit and pay, for the first offense, fifty cents, and for every subsequent offense three dollars.

SEC. 4. This ordinance shall be in force from and after its publication.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

AN ORDINANCE to regulate the inspection, storage and sale of petroleum and other inflammable oils and fluids.\*

[PASSED JUNE 1, 1868.]

\*Sections 5, 6, 7, 8 and 9 repealed December 7, 1868. See post.

1. Unlawful to store or keep petroleum, &c., except as provided by this ordinance.
  2. Unlawful to draw benzine, &c., between twilight and sunrise.
  3. Five barrels of refined coal or carbon oil may be kept, under restrictions.
  4. More than five barrels may be kept under restrictions. Duty of Fire Wardens.
10. Penalty.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person or persons to store or keep, or suffer to be stored or kept, within the corporate limits of the city of Evansville, any crude petroleum, or rock oil, or any illuminating oil or compound, that shall not bear a temperature of one hundred and ten degrees Fahrenheit without ignition or explosion, except as is otherwise provided by this ordinance: *Provided,* That any person or persons may keep in any cellar in said city, any quantity not exceeding one barrel of benzine, gasoline, or naptha, in metal cans or cases, to be used or sold for manufacturing purposes, and not otherwise.

*SEC. 2.* That it shall be unlawful to draw or take from any can or case any quantity of benzine, gasoline, or naptha, between twilight in the evening and sunrise in the morning.

*SEC. 3.* That it shall not be unlawful to store or keep any quantity not exceeding five barrels, at any one time, in any locality in said city, one barrel of which may be kept on the first or ground floor of any store, in metallic cans or cases, of refined coal or carbon oil: *Provided,* The same be of the standard of 110 degrees Fahrenheit, and that the four additional barrels be kept in a cellar, so that in case of breakage or leakage of the vessels, the contents thereof will not be liable to run out into or upon the adjoining premises.\*

*SEC. 4.* That it shall not be unlawful to keep within the corporate limits of said city a greater quantity than five barrels of refined coal or carbon oil, of the legal standard, or any of the products of crude petroleum: *Provided,* That after the first day of September, 1868,

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\*Amended December 7, 1868. See post.

the same be kept and stored in vaults or cellars, nine feet in depth, below the surface of the earth, walled around with stone or brick walls, at least nine inches in thickness, and completely arched with not less than a nine inch brick arch ; said arch to be covered over with six inches or more of earth or sand, with a doorway leading into said vault, enclosed by a heavy sheet-iron door, to fit so closely as to make said vault as nearly air-tight as possible. And it shall be the duty of the Fire Wardens to examine and inspect any and all of said vaults or cellars, at least once in every three months, and report to the Council the result of such examination, and the Mayor may inspect said vaults or cellars at pleasure.\*

SEC. 10. That any person or persons who shall violate any of the provisions of this ordinance shall, for each and every such offense, upon conviction thereof, forfeit and pay not less than ten dollars, nor more than one hundred dollars.\*

This ordinance to take effect and be in force from and after its publication.

WILLIAM H. WALKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE to amend sections 3, 4 and 10, and to repeal sections 5, 6, 7, 8 and 9 of an ordinance entitled "An ordinance to regulate the inspection, storage and sale of petroleum, and other inflammable oils and fluids," passed June 1, 1868.

[PASSED DECEMBER 7, 1868.]

1. Fifty barrels may be kept, with restrictions.
2. More than fifty barrels may be kept, with restrictions.
3. Dealers to keep testing implements.
4. Penalty.
5. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall not be unlawful to store or keep any quantity, not exceeding fifty barrels, at any one time in any locality in the city of Evansville, of refined coal or carbon oil; five barrels of which may be

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\*Amended December 7, 1868. See post.

kept on the first or ground floor of any store, and, when for retail, in metallic cans or cases: *Provided*, The same be of the standard of one hundred and ten degrees Fahrenheit; and that forty-five barrels be kept in a cellar, so that, in case of breakage or leakage of vessels, the contents thereof will not be liable to run into or upon the adjoining premises.

SEC. 2. That it shall not be unlawful to keep within the corporate limits of said city, a greater quantity than fifty barrels of refined coal or carbon oil, or any of the products of crude petroleum of the legal standard: *Provided*, That from and after the first day of December, 1868, the same is to be kept and stored, while on hand, in vaults or cellars nine feet in depth below the surface of the earth, walled around with stone or brick walls, at least nine inches in thickness, and completely arched with not less than a nine inch stone or brick arch; said arch to be covered over with six inches more in depth of earth or sand, with a doorway, leading into said vault, enclosed by a heavy sheet-iron door, to fit so closely as to make said vault as nearly air-tight as possible. It shall be the duty of the Fire Wardens to examine and inspect any and all of said vaults or cellars, at least once in every three months, and report to the Council the result of such examination, and the Mayor may inspect such vaults or cellars at pleasure.

SEC. 3. That it shall be the duty of every wholesale dealer in coal oil, or in any of the products of crude petroleum, to keep a testing instrument upon his premises, the instrument adopted by the United States Government for testing coal and carbon oils, so that every person who may purchase a barrel of oil or burning fluid may have the same tested in his own presence.

SEC. 4. That any person or persons, who shall violate any of the provisions of this ordinance, shall, for each and every such offense, upon conviction thereof, forfeit

and pay not less than ten dollars nor more than one hundred dollars, and that any person who shall sell coal or carbon oil, or any of the products of crude petroleum, or any burning fluid used for burning, below the test of one hundred and ten degrees Fahrenheit, within the limits of said city, shall, for each and every such offense, upon conviction thereof, forfeit and pay a fine of not less than one hundred dollars, nor more than five hundred dollars.

SEC. 5. That sections 5, 6, 7, 8 and 9 of said ordinance, to which this is an amendment, be and the same are hereby repealed.

SEC. 6. This ordinance to take effect and be in force from and after its passage.

WILLIAM H. WALKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE regulating the measurement and sale of fire-wood.

[PASSED DECEMBER 5, 1864.]

(Published and in force January 1, 1865.)

1. City divided into districts.
2. Appointment of wood measurers.
3. Wood markets, or places where wood may be offered for sale.
4. Duty of wood measurer.
5. Measurement of wood.
6. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the city be and the same is hereby divided into two districts for the measurement and sale of fire-wood, to be designated as the *first* and *second* districts; the first district to consist of all that part of the city situate above Main street, and the second district to consist of all that part of the city not included in the first district.

SEC. 2. The Common Council shall, at their first meeting after the passage of this ordinance, and annually thereafter, at their first meeting after the election of Councilmen, or as soon as practicable after said

election, appoint one wood measurer for each of said districts, who shall take and subscribe an oath for the faithful and honest performance of his duties, and who shall continue in office until the next annual election of Councilmen, and until his successor shall have been appointed and qualified. And in case of a vacancy in either of said offices, by reason of death, sickness, inability to serve, or from any other cause, the Mayor shall have power to fill such vacancy until the next regular meeting of the Council, at which meeting the Council shall fill such vacancy.

SEC. 3. The following shall be the only wood market or wood stand in and for the first district, to-wit: Fourth street, between Cherry and Oak streets; and the following shall be the only wood market or wood-stand in and for the second district, to-wit: the space of grounds bounded by Elm, First, Division and Second streets, or so much of said space as may at any time be unenclosed. And it shall not be lawful for any person having wood for sale, to sell or offer the same for sale at any place within the city except at one or the other of said wood stands or wood markets, nor shall it be lawful for any person to drive or haul such wood through any street or streets of the city in search of a purchaser, but all wood brought to the city for sale shall be taken to one or the other of said wood stands or wood markets, and there exposed for sale: *Provided*, however, that if such wood shall have been sold or engaged before it was loaded in any wagon, sled or other vehicle, nothing herein contained' shall require it to be taken to either of said wood stands, but in that case it may be taken directly to the purchaser; and provided, also, that if any person shall be on his direct or usual route to either of said stands with a load of wood, he may, if any person offers to purchase it, sell the same to the person so offering, and deliver the same, when measured at the wood stand; but he shall not loiter by

the way to procure a purchaser, or offer the same for sale, before reaching one or the other of said wood stands, unless first accosted by some person proposing to purchase.

SEC. 4. It shall be the duty of each of said wood measurers to measure and inspect all fire-wood brought to the stand in his district, immediately on its arrival, and give to the owner or possessor thereof a certificate, setting forth the quantity of wood and the date of inspection, making a fair and reasonable allowance for crooked and uneven wood, and for each load so measured and inspected he shall charge and receive the sum of five cents, to be paid by the seller of such wood.

SEC. 5. The standard measure for fire-wood within the city is and shall be as follows, viz : one hundred and twenty-eight cubic feet to the cord, that is, a cord of wood shall be in length eight (8) feet, in width four (4) feet, including in the measurement the one-half of the kerf, and in height four (4) feet, well and closely packed, and any quantity less than a cord shall be described in the certificate, either fractionally or by cubic feet.

SEC. 6. Any person who shall violate any provision, or fail to comply with any requirement of this ordinance, shall, on conviction thereof, forfeit and pay not less than one nor more than ten dollars.

SEC. 7. This ordinance shall take effect on the first day of January, A. D. 1865, and be in force from and after that day.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

By A. M. McGRIFF, Deputy.

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AN ORDINANCE regulating the purchase and sale of stone coal.

[PASSED OCTOBER 3, 1867.]

1. Unlawful to buy or sell stone coal except such as weighed at public scales.
2. Bushel shall be 80 pounds; price for weighing.
3. Penalty.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That from and after the 8th day of October, 1867, it shall not be lawful for any person or persons to purchase, or sell, deliver, or receive, within the limits of the city of Evansville, any stone coal, except stone coal purchased or sold by the barge load or cargo, unless the same shall have been weighed upon some one of the public scales of the city, and a ticket, stating the quantity in bushels and fractions of a bushel, issued by the weighmaster, and delivered by the seller to the purchaser of the coal.

**SEC. 2.** That a bushel of stone coal shall consist of eighty (80) pounds avoirdupois, and the price to be charged for weighing shall be as follows, viz: for a load not exceeding twenty-five bushels, five cents; and for a load exceeding twenty-five bushels, ten cents.

**SEC. 3.** Any person or persons violating any provisions of this ordinance, either by purchasing or selling any stone coal, without first causing or requiring the same to be weighed, as provided by this ordinance, shall, on conviction, forfeit and pay not less than five, nor more than ten dollars.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

**AN ORDINANCE** concerning the wharf of the city of Evansville, and repealing former ordinances.

[PASSED JULY 28, 1864.]

(Published and in force August 1, 1864.)

1. Port and wharf defined; proviso.
2. All steamboats, &c., governed by provisions of this ordinance.
3. Boats not employed to give way to boats receiving or discharging freight, &c.; penalty.
4. Repealed, June 7, 1870.
5. Rates of wharfage on barges, &c.  
Barges, &c., to give way to steamboats; penalty.
6. Steamboats, &c., landing above or below the city wharf, to pay wharfage at one-half the rates fixed by this ordinance.
7. Wharfage on lumber and shingles.
8. Repealed, March 12, 1866.
9. Wharfage on wharf-boats.
10. Boats at anchor, or lying outside of other boats, to pay full wharfage.

11. Wharfage on Bodiam Mining Company.
12. Persons using wharf as place of storage to pay wharfage or rent; penalty.
13. Two wharf-masters to be appointed.  
Wharf-masters to be sworn and give bond.  
Duties of wharf-masters. Shall have powers of policemen.
14. Duties of wharf-masters, continued.
15. Wharf-masters may be removed.
16. Penalty for injuring wharf.
17. Provisions of this ordinance extended to Lamasco Wharf.
18. Where barges, &c., may be sunk or beached.
19. Filth, cinders, &c., not to be thrown from boats at wharf.
20. This ordinance not to apply to any part of the landing owned by individuals.
21. Penalty.
22. Repeal.

SECTION 1. *Be it ordained by the common council of the city of Evansville,* That the wharf, landing, and bank of the Ohio River in front of that part of the city of Evansville lying between the upper side of Walnut street and the middle of Division street, in said city, shall hereafter be the only port of said city of Evansville: *Provided, however,* That it shall be competent for any person to contract for the delivery of any freight or commodity at that part of the wharf or landing known as the Lamasco Wharf.

SEC. 2. That all steamboats, rafts, flat-boats, or other vessels coming to or landing in front of the city shall be governed by the rules and regulations established by this ordinance.

SEC. 3. That boats not receiving or discharging cargo shall give place to boats ready to receive or discharge cargo; and every master, captain, or owner of any empty or idle boat, or other person having charge of such boat, refusing or failing to give place as aforesaid, when directed to do so by the wharf-master, shall forfeit and pay for ever such offence the sum of twenty-five dollars.

SEC. 4. Repealed June 7th, 1870.

SEC. 5. That keel-boats, flat-boats, barges, and rafts coming to or landing at said wharf shall pay at the rate of one cent per foot in length of such boat, barge or raft for every day or fraction of a day of the stay of such boat, not exceeding five days; and whenever any such boat, barge, or raft shall remain at said wharf more than five

days, double the above rates shall be charged per day for any excess over five days; and all keel-boats, flat-boats, barges, and rafts shall give place to steamboats, and any captain, owner, or other person having charge of any such boat or raft, and who shall fail or refuse to give place and remove the same when ordered to do so by any wharf-master, shall forfeit and pay for each such offence the sum of ten dollars; and no raft shall be landed at said wharf except for the purpose of being drawn out of the water, and every raft so landed shall be forthwith removed by the wharf-master.

SEC. 6. That hereafter all steamboats, barges, flat-boats, or other water-craft which may come to, remain at or use any part of the river bank or landing, either above or below the city wharf, from the upper line of Chestnut street to the lower line of Fifth avenue, shall be required to pay for the use of said river bank or landing one-half of the amount or fee required to be paid by such boat or water-craft for landing at and using any part of the city wharf.

SEC. 7. That fifteen cents per one thousand feet shall be charged on all lumber, and three cents per thousand on all shingles, delivered at said wharf, except such as may be delivered by steamboat.

SEC. 8. Repealed, March 12, 1866.

SEC. 9. That two dollars per foot in length shall be charged on all wharf-boats per annum, which shall be paid monthly.

SEC. 10. That any boat, raft, or other water-craft anchoring in front of said wharf, or lying alongside of any other boat or raft which may be in front of said wharf, shall be charged and required to pay the same wharfage as if such boat, raft, or other water-craft was fastened to said wharf or shore.

SEC. 11. There shall hereafter be charged to and collected from the Bodiam Mining Company the sum of one

hundred dollars per annum, which shall entitle them to the use of the wharf for their coal-boats; said annual wharfage to be payable in monthly payments of eight dollars and thirty-three cents.

SEC. 12. That hereafter any person or persons wishing to use any part of said wharf as a place upon which to store or deposit any goods, merchandise, produce, or other property or freight, shall make application to a wharf-master for permission to do so, and shall pay to such wharf-master for such permission at the rate of sixty dollars per year, payable monthly in advance: *Provided*, That no charge shall be made in any case where goods, merchandise, or other property is not allowed to remain on said wharf longer than ten days; and if any person or persons shall place any goods, merchandise, produce, or other property or freight on said wharf, and allow the same to remain on said wharf longer than ten days, without having procured permission and paid wharfage as provided for in this section, such person or persons shall forfeit and pay, for ever such offence, any sum of money not less than ten nor more than twenty dollars.

SEC. 13. That the Common Council shall from time to time, at their discretion, appoint two wharf-masters, to serve until the first Monday in April then next ensuing, and until their respective successors are appointed and qualified, who shall, before entering upon the discharge of the duties of their offices, respectively give bond in such sum as the Council may from time to time fix and require, and with such security as the Council may approve, for the faithful discharge of the duties of their offices respectively. Said wharf-masters shall severally take and subscribe an oath (before some officer authorized to administer oaths) for the faithful discharge of their respective duties. They shall be subject to the ordinances of the city and the orders of the Council, and shall be allowed such salary or compensation as shall from time to time be fixed by the Council. They shall see that all

boats and rafts chargeable with wharfage pay the same, and that the provisions of the ordinances of the city relative to the wharf are complied with. They shall have power to cause all boats and rafts to moor and lie at said wharf in such manner as may in their opinion best promote the convenience of all boats lying at or near, or coming to, said wharf. They shall, in their discretion, cause empty boats and small craft to be removed, to give place to other boats. And the said wharf-masters are hereby vested with the power of police officers of said city for the suppression of riots and disorderly conduct at the river, and on or about said wharf, or upon any boat or water-craft lying at said wharf, or elsewhere within said city.

SEC. 14. Said wharf-master shall keep, in some convenient place at or near said wharf, a book or register, in which they shall enter the name and tonnage of every steamboat coming to or landing at said wharf, the time of the arrival of such boat, the place of departure and destination of such boat (if known), and the amount of wharfage chargeable to and paid by such boat; they shall also register all flat-boats, barges, rafts, and other water-craft, with the wharfage chargeable to and paid thereon, as well as an account of all wharfage chargeable to and collected upon lumber, shingles, wharf-boats, and all other revenue which may accrue from the use of said wharf; which book or register shall be exhibited to the Common Council, or any committee or person appointed by them, as often as may be required by the Council. Reports of the amount of revenue accruing from the use of the wharf and landing shall be made to the Common Council by the wharf-master, weekly or oftener, as the Council may from time to time require, and in such form as the Council may prescribe or approve: and said wharf-masters shall, at least once in every week, pay over to the City Treasurer all wharfage collected by them respectively.

SEC. 15. The Common Council may at any time, in

their discretion, remove any wharf-master, and appoint another in his stead.

SEC. 16. Any person or persons who may hereafter dig any hole or holes in the wharf, or break through the gravel or paved surface thereof, by sparring off or removing any boat, or in any other manner, shall for ever such offence forfeit and pay any sum not less than twenty nor more than fifty dollars.

SEC. 17. All the provisions of this ordinance in relation to the city wharf, and all penalties herein fixed and prescribed, shall apply to the Lamasco wharf.

SEC. 18. It shall be unlawful for any person or persons hereafter to cause or permit any flat-boat, barge, or other water-craft to be sunk or beached at any point upon the wharf or landing within the city of Evansville, except at the following places, viz: The spaces between Walnut and Cherry streets, and between Fulton avenue and Fifth avenue; and whenever any such boat or water-craft may be sunk or beached at any point or place upon said wharf or landing, the owner or claimant of such boat or water-craft shall be required to pay the fee or rate of wharfage or landing charge fixed by this ordinance for every day such boat or water-craft may remain at said landing or wharf, until it shall be removed.

SEC. 19. It shall hereafter be unlawful for any captain, owner, or other person having charge of or commanding any steamboat moored to or lying at either of said wharves, river bank, or landing, to cause or permit the furnaces or grates of such boat to be cleaned while lying at or opposite said wharves or landing, or to cause or permit any cinders, ashes, or other rubbish to be thrown from such boat while at or near said wharves or landing.

SEC. 20. None of the provisions of this ordinance shall be held to apply to any part of the river bank or landing which may be owned by parties other than the city of Evansville.

SEC. 21. Any person or persons who may neglect any of the duties or violate any of the provisions of this or-

dinance shall forfeit and pay, for ever such violation or neglect, not less than ten nor more than three hundred dollars, except in the case of such omissions or violations as are specifically provided for.

SEC. 22. All ordinances in relation to either of said wharves heretofore passed are hereby repealed, and this ordinance to take effect and be in force from and after the first day of August, A. D. 1864.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

AN ORDINANCE to amend an ordinance passed July 28, 1864, entitled "An Ordinance concerning the wharf of the city of Evansville, and repealing former ordinances."

[PASSED MARCH 24, 1865.]

(Published and in force March 28, 1865.)

1. Repealed March 12, 1866.
2. Repealed May 12, 1865.
3. Captain or owner falsely pretending that boat is in Government service  
Penalty.
4. No city wharf-master to be employed as wharf-master for any private individual.
5. Repeal.
6. Penalty.

SECTION 3. *Be it ordained by the Common Council of the City of Evansville,* That any owner, captain, clerk, or other person having charge of any steamboat or other water-craft which may come to or use any part of said wharf or landing, who shall falsely allege or pretend that such boat or water-craft is owned or chartered by the Government of the United States, and by reason thereof claim to be exempt from the payment of wharfage, and thereupon neglect or refuse to pay wharfage at the rate specified and fixed by the ordinances of the city, shall for every such offense forfeit and pay any sum not exceeding one hundred dollars: *Provided,* That steamboats and other water-craft belonging to, or chartered by the Government of the United States, shall not be required to pay any wharfage.

SEC. 4. That it shall be unlawful for any wharf-master of the city of Evansville to be engaged or employed as

wharf-master or wharf superintendent for any person or persons owning any part of the wharf or river landing, nor shall it be lawful for any wharf-master of the city of Evansville to collect any wharfage except such as may accrue to the city of Evansville upon boats, &c., landing at either of the wharves belonging to said city.

SEC. 5. So much of said ordinance of July 28, 1864, as is in conflict with the provisions of this ordinance, is hereby repealed.

SEC. 6. Any person or persons who may neglect any of the duties prescribed by the first, second or fourth sections of this ordinance, or violate any of the provisions of the same, shall, on conviction, forfeit and pay any sum not less than twenty-five nor more than fifty dollars.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

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AN ORDINANCE in relation to wharfage to be charged on tobacco, at the  
wharf of the city of Evansville.

[PASSED MAY 12, 1865.]

(Published and in force May 19, 1865.)

1. Tobacco remaining on wharf more than seven days to pay wharfage.
2. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That if any tobacco hereafter discharged at said wharf shall be permitted to remain on said wharf for more than seven days, from the time of its delivery, such tobacco shall be charged wharfage at the rate of five cents per hogshead for each day or fraction of a day such tobacco may remain upon said wharf after the expiration of seven days from the time of its delivery upon said wharf; and any owner or consignee of any tobacco placed upon said wharf, and permitted to remain there for more than seven days, and failing to pay wharfage on the same as fixed and prescribed by this ordinance, shall forfeit and pay any sum not less than five nor more than twenty dollars.

SEC. 2. That the second section of an ordinance passed March 24, 1865, entitled "An ordinance to amend an ordinance passed July 28, 1864, entitled 'An ordinance concerning the wharf of the city of Evansville, and repealing former ordinances,'" be and the same is hereby repealed.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

**AN ORDINANCE** to prohibit steamers from blowing or sounding their whistles at the wharf or landing of the city of Evansville.

[PASSED MARCH 2, 1868.]

1. Unlawful for steamers to blow their whistles at the wharf.
2. Penalty.
3. To take effect.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall hereafter be unlawful for the master, owner, pilot or other officer or person having the charge or command of any steamer coming to or remaining at either of the wharves, or at any point of the river bank or landing in front of said city, to cause, permit, or allow the whistle of such steamer to be blown or sounded at any time when such steamer is moored or placed at either of said wharves, or at any part of the river bank or landing in front of said city.

SEC. 2. Any person or persons violating the provisions of this ordinance shall, on conviction, forfeit and pay any sum not less than ten dollars, nor more than twenty-five dollars.

SEC. 3. That this ordinance shall take effect and be in force from and after the ninth day of March, 1868.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

A SUPPLEMENT to an ordinance passed July 28, 1864, entitled "An Ordinance concerning the Wharf of the city of Evansville, and repealing former ordinances."

[PASSED JUNE 28, 1869.]

1. Unlawful to place any building on the wharf.
2. Penalty.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That it shall hereafter be unlawful for any person or persons to erect, build or place, or cause to be erected, built or placed, any house, store-house, shop, shed, or building on any wharf of said city, or on the shore of the Ohio river, whether the same be a public or private wharf, between Water street and said river, or between Front street and said river, in front of or adjoining said city.

*SEC. 2. Any person or persons violating the provisions of this ordinance shall, on conviction, forfeit and pay the sum of one hundred dollars, and shall also forfeit and pay the sum of one hundred dollars for each and every day during which any such person or persons shall suffer or permit any such house, building or structure (erected contrary to the provisions of this ordinance) to remain upon any such wharf or shore of said river.*

WILLIAM H. WALKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE in relation to private and public wharves, and the shore of the Ohio river in front of the city of Evansville, declaring certain things thereon erected or placed to be nuisances, and providing for the establishment of a water line, as high water mark.

[PASSED FEBRUARY 17, 1870.]

1. Any structure erected on the wharf declared a nuisance.
2. Penalty.
3. Surveyor to report the water line.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville,* That any house, store-house, warehouse, shop, shed, or structure of any kind whatsoever, or any part thereof, hereafter erected or placed on any private or public wharf, or on any place for the landing of boats or water crafts of any kind whatever, navigating or brought to said city, upon the waters of the Ohio river, or on any part of the shore of said river,

below the line of high water mark, at any place within the corporate limits of the city of Evansville, is hereby declared to be a nuisance.

SEC. 2. That any person or persons who shall erect or place, or cause to be erected or placed, any house, store-house, ware-house, shop, shed or other building or structure of any kind whatsoever, or any part thereof, below high water mark, at any point, upon any private or public wharf or any part of the shore of the Ohio river, within the corporate limits of the city of Evansville, contrary to the provisions of this ordinance, shall, on conviction, forfeit and pay the sum of one hundred dollars for every such offense, and the further sum of one hundred dollars for each day during which any such house or structure shall be permitted to remain upon such wharf or river shore, below high water mark, as aforesaid.

SEC. 3. That it shall be the duty of the City Surveyor, as soon as practicable after the passage of this ordinance, to survey and mark the line of high water mark, upon and along the wharves and shore of said Ohio river, in front of and within the corporate limits of the city of Evansville, and return to the Common Council of said city, a report of said survey, with a plat or diagram of the same, showing at or opposite all street intersections, the distance from the upper line of Water street and the line of Front street to the line of high water mark; said line to be designated and known as the Water Line of the city of Evansville.

WILLIAM H. WALKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDIDANCE to amend section 4 of an ordinance passed July 28, 1854, entitled "An Ordinance concerning the Wharf of the city of Evansville," and repealing former ordinances.

[PASSED JUNE 7, 1870.]

SECTION 1. *Be it ordained by the Common Council of the*

*City of Evansville,* That the following shall be the rates of wharfage which shall be charged on all boats of every kind which may come to or use said Wharf, viz: For landing, receiving, or discharging freight or passengers, and remaining at said Wharf any length of time not exceeding twenty-four hours:

The Steamboats of less than 50 tons burthen.....	\$ 1 50
" " " 50 to 75 "	2 50
" " " 75 to 100 "	3 50
" " " 100 to 150 "	4 50
" " " 150 to 200 "	5 50
" " " 200 to 250 "	6 50
" " " 250 to 300 "	7 50
" " " 300 to 350 "	8 50
" " " 350 to 400 "	9 50
" " " 400 to 500 "	10 50
" " " 500 to 600 "	12 50
" " " 600 to 700 "	13 50
" " " 700 to 800 "	15 50
" " " 800 and upwards "	17 80

And for each additional twenty-four hours, or fractional part thereof, one half of above charges.

SEC. 2. So much of section 4 of the ordinance passed July 28, 1864, as is in conflict with this ordinance, is hereby repealed.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE amending section 11 of an ordinance entitled "An Ordinance concerning the wharves of the city of Evansville," and repealing former ordinances.

[PASSED JUNE 20, 1870.]

1. In relation to that portion of the Wharf set aside for coal boats, and the wharfage of such boats.
2. Repealing ordinances in conflict with this.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That a certain portion of the City Wharf be set aside, under the direction of the Wharf Committee of the Council, for the use of, and laying up of coal boats, and that the sum to be charged on same for use of the Wharf as above, will be three (\$3 00) dollars per lineal foot per annum, when engaged by the year, otherwise, one dollar and fifty cents (\$1 50) for each and every day occupied by said class of boats; and in case any coal dealer should fail to provide him-

self with a space on the City Wharf as above, there shall be collected from each and every coal boat landed at the Wharf or on the outside of any steamboat or wharf-boat, the sum of one dollar for every time landed.

SEC. 2. Any ordinance conflicting with this be and is hereby repealed.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

AN ORDINANCE to provide for lighting the City of Evansville with gas.

[PASSED JUNE 4, 1852.]

(Published and in force June 15, 1852.)

1. Exclusive privilege granted to Jeffrey & Co.  
Pipes not to interfere with grade or drainage.
2. Notice of intention to break ground to be given to Council.  
Streets not to be unnecessarily obstructed.  
Grantees to repave and repair streets.
3. Quality and quantity of gas to be furnished.
4. City to pay half price for gas.
5. Lamps, posts, &c., to be furnished at expense of city.
6. Quality and quantity of gas to be furnished for private use.  
Maximum price thereof.
7. Gas how measured.
8. How city may extend gas pipes.
9. Conditions annexed to grant of privileges.
10. Gas works not to become a nuisance.
11. After thirty years, city may purchase gas works.
12. Ordinance when in force.
13. First section how to be construed.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That from and after the passage of this ordinance, there is and shall be granted and secured to John Jeffrey & Co., of Cincinnati, Ohio, and associates, their successors and assigns, the exclusive privilege of laying pipes for conducting gas under all the streets, lanes, alleys and public grounds and thoroughfares, which are now or may hereafter be in the city of Evansville, for the period of fifty years from the first day of June, A. D. 1852: *Provided,* That the said pipes shall be so laid as not to interfere with the drainage or sewerage of said city, or with the grade or form of the streets, alleys, lanes, public grounds or thoroughfares

aforesaid, as the same may be from time to time fixed, ordered or established by the said Common Council, or other competent authority.

SEC. 2. That whenever the said John Jeffrey & Co., and associates, their successors and assigns, shall desire to open or break up the surface of any such street, lane, alley, public ground or thoroughfare, for the purpose of laying down gas pipes, they shall give notice thereof to the Common Council aforesaid, three days previous to the commencement of the work, and they shall not, during the progress of the work, unnecessarily or unreasonably obstruct the passage of persons, or drays, carts or other vehicles to or along any such street, lane, alley or thoroughfare or public ground; and they shall proceed, with all reasonable diligence, to lay the said pipes where the surface is so opened or broken up; and within a reasonable time, not exceeding twenty days after the pipes are laid, repave and repair the streets, lanes, alleys, public grounds and thoroughfares opened or broken up as aforesaid, in such manner as shall be approved by said Common Council or other competent authority.

SEC. 3. That the said John Jeffrey & Co., and associates, their successors and assigns, shall from time to time, and at all times, furnish to the city of Evansville, for the public use and benefit, such quantities of gas of the most approved quality for lighting cities, upon the several streets, lanes, alleys and thoroughfares, in which gas pipes shall be laid, and upon the public grounds and in public buildings adjacent thereto, as may be from time to time required by the Common Council aforesaid, or other competent authority.

SEC. 4. For the gas furnished and consumed for the public benefit, as provided for in the last preceding section, the city of Evansville will pay to the said John Jeffrey & Co., and associates, their successors and assigns, one-half the price per cubic foot at which gas

shall be furnished by them to citizens of Evansville for private consumption, as hereinafter provided.

SEC. 5. All public lamps and lamp-posts, and fittings and fixtures belonging thereto, will be provided and erected at the expense of the city of Evansville, and the necessary service pipes leading to and connecting therewith, shall be supplied by and at the expense of the said John Jeffrey & Co., and associates, their successors and assigns.

SEC. 6. The said John Jeffrey & Co., and associates, their successors and assigns, shall at all times supply the inhabitants of the city of Evansville for private use, in the most approved manner, with a sufficient quantity of gas of the most approved quality, at as low a price per cubic foot of gas consumed as the same quality of gas shall be furnished for the same purpose to the inhabitants of any city or town in Ohio, Kentucky or Indiana, of equal or greater population than the city of Evansville, similarly situated: *Provided*, That the price to be charged to the inhabitants of the city of Evansville for gas so provided, shall in no case exceed three dollars per thousand cubic feet of gas consumed: *And provided, also*, That the said John Jeffrey & Co., and associates, their successors and assigns, shall not be required to provide gas as aforesaid for private consumption to persons whose premises are not within a reasonable distance of a supply pipe already laid, nor to any person who will not pay for gas monthly in advance, if required: nor shall they be required, after laying the three miles of pipe hereinafter provided for, to extend the supply pipe, unless the demand for gas to be supplied thereby shall afford a reasonable prospect of fair remuneration.

SEC. 7. The amount of gas consumed shall be ascertained by metre measurement in the usual way.

SEC. 8. If the Common Council should at any time wish to light with gas any street, public building or

other place not adjacent to or within a reasonable distance of any pipe at the time already laid, and where the said John Jeffrey & Co., and associates, their successors and assigns, would not be required to lay pipe according to the true intent and meaning of this ordinance, and the said John Jeffrey & Co., and associates, their successors and assigns, should refuse to lay and supply the necessary pipes for that purpose, then the City Council shall have the privilege of extending the gas-pipes and erecting such number of public gas-lamps for the purpose aforesaid as they shall deem proper, and the said public lamps shall be furnished with gas on the same terms as the other public gas-lamps of the city, and the main gas-pipes laid down at the expense of the city, shall not directly or indirectly be used for furnishing gas except for public city uses, nor shall other gas-pipes be laid down within the same portions of said streets, lanes, alleys or other public grounds by said John Jeffrey & Co., and associates, their successors and assigns, until the whole amount expended by the City Council in laying gas-pipes, be refunded to the City Council, when the said pipes shall become the property of said Jeffrey & Co., and associates, their successors and assigns.

SEC. 9. That the privileges granted by this ordinance to said Jeffrey & Co., and associates, their successors and assigns, are upon this condition, that they shall, on or before the first of January, 1854, have completed the requisite apparatus for manufacturing gas, and shall have laid in connection therewith three miles of main pipe in the streets of Evansville, and shall further lay from time to time additional main pipe each succeeding year thereafter in all the streets and alleys, whenever the same shall be required as above provided.

SEC. 10. That the work and operations of said gas works shall be so constructed and arranged that there

shall be occasioned no injury to the health or comfort of the citizens of Evansville.

SEC. 11. That at any time after the expiration of thirty years from the first day of June, 1852, the said City Council shall have the right and privilege of purchasing of the said Jeffrey & Co., and associates, their successors and assigns, all the pipes, buildings and apparatus constituting the gas works, at such prices as may be ascertained and determined by five disinterested persons, citizens of Kentucky, two of whom shall be chosen by the City Council, and two by said Jeffrey & Co., and associates, their successors and assigns, and the fifth by the four so chosen.

SEC. 12. That this ordinance shall take effect and be binding upon the city of Evansville so soon as the said Jeffrey & Co. shall signify their assent thereto in writing.

SEC. 13. The first section of this ordinance shall be so construed that where gas pipes shall be laid in any part of the city where the grade and sewerage of the city shall have been established at the time, and so laid as not to interfere with the grade, sewerage or drainage so established, if the Council shall afterwards so change the grade, sewerage or drainage as to thereby render necessary any alteration of the pipes in position or otherwise, the expense of making such change shall be paid by the city of Evansville.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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WE, JOHN JEFFREY & Co., the firm named in the above ordinance, do assent to the above ordinance, and agree to erect gas works, lay pipes, and furnish gas as provided for in said ordinance, and upon the terms and conditions therein specified.

Witness our hands the fifteenth day of June, A. D. 1852.

JOHN JEFFREY & CO.

AN ORDINANCE for the protection of the public gas-lights within the city of Evansville.

[PASSED SEPTEMBER 10, 1853.]

(Published and in force September 15, 1853.)

1. Penalty for injuring gas-lamps.
2. Penalty for violating rules of gas company.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That if any person shall intentionally or unnecessarily injure or destroy any of the public gas-lamps, posts, or lanterns within said city, or any portion of the gas-works of the Evansville Gas-Light Company, or any portion of the fixtures thereunto belonging, situated within the corporate limits of said city, the person or persons so offending shall, for every such offense, forfeit and pay any sum not less than five nor more than fifty dollars.

SEC. 2. If any person shall willfully open a communication into any gas-pipe of said company, situated within the corporate limits aforesaid, or who shall, within said city, let on gas in any building or lamp after it has been stopped according to the printed rules of said company, the person or persons so offending shall, for every such offense, forfeit and pay any sum not less than twenty-five nor more than one hundred dollars.

JOHN S. HOPKINS, Mayor.

Attest: GEORGE H. TODD, Clerk.

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AN ORDINANCE supplemental to an ordinance passed June 4th, 1852, entitled "An Ordinance to provide for lighting the city of Evansville with gas."

[PASSED AUGUST 1, 1857.]

(Published and in force August 14, 1857.)

1. Terms on which gas-pipes may be extended.
2. Gas company to place amount advanced to credit of city.
3. Monthly bills to be rendered to city by gas company.
4. When this ordinance to take effect.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever the Common Council of said city shall desire to extend the gas-pipes to or

along any street, lane, alley, public grounds, or thoroughfare of said city, or to any point in such street, lane, alley, public grounds, or thoroughfare, and shall furnish and advance to the gas company mentioned and designated in the original ordinance to which this is a supplement, by the name of John Jeffrey & Co., or the successors or assigns of said gas company, a sum of money sufficient to defray the reasonable cost and expense of procuring such gas-pipes and laying them down along the proposed line of extension, it shall be the duty of said gas company, without any unnecessary delay, to lay down gas or service pipe along such street, lane, alley, public grounds, or thoroughfare, or to such point therein as the Common Council may direct, the city furnishing the means to procure and erect the public lamps, lamp-posts, and fittings and fixtures, as provided for in said original ordinance, and the said gas company shall furnish to the city, along such line or extension, gas to be consumed for the public benefit, at the same rate at which it is or may be furnished for the like purpose in other parts of the city, and the said gas company shall also furnish gas for private consumption along such line of extension at the same rate at which it is or may be furnished to private consumers in other parts of the city.

SEC. 2. The city shall be credited on the books of said gas company with the amount advanced for each and every such new line of extension, and shall be charged on said books with all the gas consumed on such line, both by the city and by private consumers, and whenever the amount thus consumed equals the cost of procuring and laying down the service pipe along any such new line, the pipe along such line shall become the property of said gas company, in the same manner and to the same extent as if it had originally been purchased and laid down with the means of the gas company; and until such pipe so becomes the prop-

erty of the gas company, the city shall be entitled to collect and receive from private consumers along such line the price of all gas used by them, or the city may, at its option, require said gas company to make the collections from private consumers along such line, and account to the city for the same: *Provided*, That any advance made by the city under this ordinance shall not bear interest, and shall not be payable otherwise than in gas, as above provided, unless the gas company should fail within a reasonable time after receiving the advance to furnish gas along the proposed line of extension, according to the provisions of the first section of this ordinance:

SEC. 3. Until the service pipe on any new line contemplated by this ordinance shall have become the property of the gas company under the provisions of the last section, the said company shall render to the city monthly bills or accounts of the gas used on such line, showing how much gas was used by the city, and how much by each private consumer on such line during the previous month.

SEC. 4. This ordinance shall not take effect or be binding upon the city of Evansville until the said gas company shall file with the City Clerk the assent of said company thereto in writing; and upon the filing of said assent, this ordinance shall take effect and shall be published by said Clerk.

JOHN HEWSON, Mayor.

Attest: WELL. H. WALKER, Clerk.

EVANSVILLE, August 13, 1857.

In the name of and for the Evansville Gas-Light Company, I hereby accept the terms of the ordinance set forth upon this page.

C. G. KEATS,  
President Evansville Gas-Light Company.

AN ORDINANCE to provide for the extension of gas-lights within the city of Evansville.

[PASSED AUGUST 1, 1857.]

(Published and in force August 4, 1857.)

1. Terms upon which parties interested may have gas extended.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any person or persons interested in extending the gas to any point in the city will advance to the city fifty (50) per cent. of the amount necessary to procure and lay down the service pipe to such point, or along the proposed line of extension, the city will thereupon, without any unnecessary delay, cause such pipe to be laid down along such line, and cause gas-posts to be erected along such line, and will furnish to individual consumers along such line, who may have made such advances, gas for private consumption at the same rates at which it is or may be furnished by the gas company to their private consumers, until the amount furnished to each person making any such advance shall be equal to the amount advanced by such person: *Provided, however,* That the city shall not be liable for interest on any such advance, and shall not be required to refund or repay the same otherwise than in gas, as above in this section provided for.

SEC. 2. This ordinance shall take effect and be in force from and after its publication.

JOHN HEWSON, Mayor.

Attest: WELL. H. WALKER, Clerk.

AN ORDINANCE supplemental to an ordinance to provide for the extension of gas-lights within the city of Evansville, passed August 1, 1857.

[PASSED FEBRUARY 28, 1870.]

(Published and in force March 11, 1870.)

1. Provision for extension of gas, when 50 per cent. is advanced.
2. When in force.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any person or per-

sons, interested in extending the gas to any point in the city, shall make it appear to the Common Council of said city, that he or they have advanced or secured, to the satisfaction of the Evansville Gas Company, 50 per cent. of the amount necessary to procure and lay down the service pipe to such point or along the proposed line of extension, the city will, thereupon, and without any unnecessary delay, furnish and advance the residue of said cost or necessary amount, according to the terms of a supplemental ordinance to an ordinance to provide for lighting the city of Evansville with gas, passed August 1, 1857, and accepted by said Evansville Gas-Light Company, and cause such pipe to be laid down along such line, and cause gas-posts to be erected along such line, and thereupon the said Evansville Gas Company shall furnish to individual consumers along such line, who may have made such advances, gas for private consumption at the same rates at which it is or may be furnished to their private consumers, until the amount furnished to each making any such advance, shall be equal to the amount advanced by such person: *Provided, however,* That said Gas Company shall not be liable for interest on any such advance, and shall only be required to repay the same in gas, as above provided.

SEC. 2. That this ordinance shall be in force from and after its publication.

WILLIAM H. WALKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

**AN ORDINANCE providing for the appointment of inspectors of flour, whisky, &c.**

[PASSED NOVEMBER 19, 1850.]

(Published and in force November 26, 1850.)

1. Inspector of flour, domestic spirits, &c., to be appointed.  
Term and oath of office.
2. Duty of inspector as to domestic spirits.
3. Duty of inspector as to flour, tobacco, &c.

**SECTION 1.** *Be it ordained by the common council of the City of Evansville,* That there shall annually be appointed by the Common Council one or more inspectors of domestic spirits, flour, tobacco, beef, pork, butter, and lard, which said inspectors shall hold said office for one year, and until their successors are appointed and qualified, and shall, before they enter upon the duties of said office, take an oath faithfully and impartially to execute the duties of said office, which oath shall be filed in the City Clerk's office.

**SEC. 2.** That it shall be the duty of said inspector or inspectors, immediately, when called upon for that purpose, to gauge any and each barrel or cask of domestic spirits, and examine the quality or proof thereof, and mark on the barrel or cask the true quantity contained therein, in wine gallons, and the quality or proof of such spirits, together with the name of the inspector and place of inspection.

**SEC. 3.** It shall also be the duty of said inspector or inspectors to inspect and mark flour, tobacco, beef, pork, butter and lard, when put up in kegs, barrels, casks, or hogsheads, whenever such inspection shall be called for or necessary.

**SEC. 4.** That said inspector or inspectors shall provide the most approved instruments for ascertaining the capacity of a barrel or other cask, and the quality or proof of spirituous liquors, and for the marking of barrels or casks.

**SEC. 5.** That said inspector or inspectors shall be entitled to receive and collect from persons employing them as aforesaid, for gauging and inspecting a single barrel

or cask, fifteen cents, and when the number of barrels or casks in one lot exceeds one and is less than six, ten cents, and when the number in one parcel exceeds six, five cents for each barrel or cask.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

**AN ORDINANCE** in relation to nuisances created by stagnant water situated on any lot or parcel of ground within the city of Evansville.

[PASSED APRIL 24, 1858.]

(Published and in force April 27, 1858.)

1. Lots upon which water stagnates declared nuisances.  
Owner may be required to abate such nuisance.
2. Copy of order how issued and served, and return how made and filed.
3. When ordered to be published.
4. If owner of lot fails to comply, Marshal to execute order.  
Statement of expense to be made by Marshal; and recorded by Clerk.  
How to be collected.
- 5 and 6. Penalty.
7. Reports to be made by the Clerk.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That whenever any lot or parcel of ground in said city is or shall be so situated that water does or shall collect and remain stagnant thereon, such lot, while so situated, shall be deemed and taken to be a nuisance, and the Common Council may direct and require the owner or occupier of the premises to abate such nuisance by draining or filling up such lot or parcel of ground, in such manner and within such reasonable time as the said Council may order and direct.

**Sec. 2.** It shall be the duty of the Clerk to issue to the Marshal duplicate certified copies of any order made in pursuance of the last section, and the Marshal shall forthwith, or as soon as practicable, deliver one of said copies to the owner or occupier of the premises mentioned in said order, or to the agent of such owner or occupier, and said Marshal shall return the other copy of said order to the Clerk, stating in his return the time and manner of service and on whom served, and the Clerk shall file and preserve said copy and return.

SEC. 3. If the said copy shall be returned "Not found" by the Marshal, the Clerk shall forthwith publish a copy of said order in some newspaper printed and published in the city of Evansville.

SEC. 4. If, after service or publication of a copy of said order as aforesaid, the owner or occupier of such lot or parcel of ground shall neglect or fail to drain or fill up the same within the time and in the manner required by said order, it shall be the duty of the Marshal, immediately upon the expiration of the time mentioned in such order, to proceed to drain or fill up such lot or parcel of ground according to the requirements of such order, and the Marshal shall, within ten days from and after the time when said draining or filling up shall be completed, make a statement in writing detailing the expenses of said draining or filling up, which statement shall be verified by the affidavit of said Marshal, and shall be by him filed with the Clerk, and the Clerk shall record said statement in a book to be kept for that purpose: the amount charged in said statement shall be a debt against the owner or occupier of said lot or parcel of ground, and shall be a lien on such lot or parcel of ground; and the said debt may be collected by action against the owner or occupier of the lot or parcel of ground, or said lien may be enforced in any court of competent jurisdiction.

SEC. 5. If any owner of any lot or parcel of ground who shall have been personally served with a copy of any order made in pursuance of this ordinance shall fail or neglect to comply with said order within the time which may be specified in such order, such owner shall for such offense forfeit and pay any sum not exceeding ten dollars nor less than one dollar.

SEC. 6. If the Clerk or Marshal shall neglect or fail to perform any duty required of him by this ordinance, such Clerk or Marshal shall for such offence forfeit and pay not less than five nor more than fifty dollars.

SEC. 7. The Clerk shall, at the first meeting of the

Council in the months of July, October, and January of each year, report to the Council in writing a statement of all sums which may remain due and unpaid for filling up or draining any and all lots or parcels of ground under this ordinance.

SEC. 8. This ordinance shall be in force from and after its publication. JOHN HEWSON, Mayor.

Attest: A. LEMCKE, Clerk.

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AN ORDINANCE supplemental to an ordinance passed April 24, 1858, entitled "An Ordinance in relation to nuisances created by stagnant water situated on any lot or parcel of ground within the city of Evansville."

[PASSED MAY 8, 1858.]

(Published and in force May 13, 1858.)

1. Precept to be issued, and Marshal charged therewith.
2. If owner refuses to pay, precept to be returned and suit commenced.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any lot or parcel of ground shall have been filled up or drained by the Marshal, and a statement of the expense thereof shall have been filed as required by the third section of the said ordinance of April 24, 1858, it shall be the duty of the Clerk forthwith to issue a precept to the Marshal, returnable within twenty days from the date thereof, requiring the Marshal to collect the amount chargeable against such lot or parcel of ground, including costs, from the owner or occupier of such lot, and the Clerk shall, upon the issuing of such precept, charge the Marshal with the amount thereof; and when the Marshal collects the money, he shall pay it to the Treasurer, and file the Treasurer's receipt with the Clerk, who shall thereupon credit the Marshal and charge the Treasurer with the amount of such receipt; all of which shall be done within twenty days from the date of the precept.

SEC. 2. If the owner or occupier, or his agent, shall refuse to pay the Marshal the amount of such precept,

including costs, the Marshal shall forthwith return the precept to the Clerk, setting forth in his return the grounds of such refusal, and thereupon the Clerk shall credit the Marshal with the amount of the precept, and place the claim in the hands of the City Attorney for collection by suit.

JOHN HEWSON, Mayor.

Attest: A. LEMCKE, Clerk.

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AN ORDINANCE in relation to nuisances.

[PASSED JULY 20, 1850.]

(Published and in force July 23, 1850.)

1. Slaughter-houses, soap-factories, &c., must not be established within the city except by permission of the Council.
2. Such permission may afterwards be revoked.
3. Penalty.
4. Duty of Marshal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall not be lawful for any person or persons to keep a slaughter-house, or keep or use for the purpose of soap-boiling, or slaughtering any animal or animals of any kind, usually sold in the market-house for food, any house, shed, or pen, or any other place within the corporate limits of the city of Evansville, or within one half mile thereof, without permission from the Common Council of said city so to do.

SEC. 2. When a license or permit shall be granted as contemplated by the first section of this ordinance, the Common Council shall have the right and full power at any time to revoke the same, and thenceforth it shall be unlawful to use any such house, shed, or pen for the purpose of slaughtering or soap-boiling.

SEC. 3. Every person who shall violate any provision of this ordinance shall forfeit and pay any sum not less than one dollar nor more than five dollars for ever such offense, together with the costs of suit.

SEC. 4. It shall be the duty of the Marshal to take

notice of the existence of every nuisance, and cause the same to be abated.

JAMES. G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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AN ORDINANCE to amend an ordinance passed April 17, 1847, entitled "An ordinance declaring what are nuisances in the city of Evansville, and authorizing the removal thereof."

[PASSED DECEMBER 13, 1853.]

(Published and in force December 15, 1853.)

1. Trees on certain streets and sidewalks declared nuisances.  
May be removed by the Marshal. Proviso.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That all trees situated or growing upon any sidewalk or street in any business part of the city of Evansville, and all trees situated or growing upon any street or sidewalk of said city, so as to obstruct such street or sidewalk, be and the same are hereby declared to be nuisances, and any such nuisances may be abated or removed by the Marshal: *Provided*, however, that the Marshal shall not cut down or remove any tree under or by virtue of this ordinance, until directed so to do by an order of the Common Council, nor until the owner or occupier of the premises shall have received ten days previous notice to remove such tree.

JOHN S. HOPKINS, Mayor.

Attest: GEO. H. TODD, Clerk.

**AN ORDINANCE** declaring certain things to be nuisances, and authorizing the abatement thereof, and repealing certain ordinances.\*

[PASSED MAY 16, 1859.]

(Published and in force June 2, 1859.)

1. Nuisances defined.
2. Definition continued.
3. Duty of owner or occupant of premises on which nuisances may be found. (Dead animals.)
 

Duty of Marshal. Expense of abating nuisances, how collected.  
Penalty for failure to remove certain nuisances, on notice.  
On repetition of nuisance, no notice required; penalty.
4. Penalty for causing nuisance in streets, &c.
5. Certain establishments not to be erected without permit from Council.
6. Proceedings to abate; penalty.
7. Marshal may examine premises.
8. Repeal.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That all nuisances at common law shall be deemed and taken for nuisances in the city of Evansville, and that standing ponds of water, dead carcasses, putrid flesh, fish, hides or skins, standing slop and water, or slop and water flowing or running from kitchens, wash-houses, out-houses, and all other houses, every dam or other obstruction in any ditch, gutter, water-course, or sewer, every slaughter-house, soap-factory, distillery, tallow or candle factory, pork-house, or privy, built, used, or occupied without a strict observance of the ordinance or ordinances of the city respecting the same, also slop water, vegetable or other unwholesome or offensive matter or substance whatever, turned into or placed or exposed in any street, alley, sidewalk, or other place within the city, every hog, sow, or pig, and every hog, sow, or pig pen which may in any way annoy any of the citizens of said city, are hereby declared to be nuisances.

**SEC. 2.** All manure or other unwholesome or offensive matter or substance whatever, and all obstructions of whatever kind deposited or placed on any street or alley, or on the public wharf of the city of Evansville, or placed upon the bank of, or thrown over the bank of, the Ohio

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\*See, also, ordinance passed February 17, 1870, in relation to steamers at the wharf. *Ante.*

River within the limits of the city, or within one mile above said limits, or deposited or placed on any of the public grounds of the city, or in any market-house or market-place within said city, or in the canal within the limits of the city, or within one mile above the limits of said city, are hereby declared to be nuisances.

SEC. 3. In all cases where a nuisance is found upon any person's premises, or premises occupied by him or her within the limits of the city, or within one mile in any direction beyond the limits of the city, or when it may be ascertained that any person or persons have deposited or caused any such nuisance as defined in the first section of this ordinance, such person or persons shall forthwith remove the same: *Provided*, That the owner of any dead animal shall remove the same whether it shall be found on or about his own premises or anywhere else within said city, or within one mile thereof. And if any such person or persons shall neglect or refuse to remove the same within ten hours after a written notice from the Marshal of the city or his deputy so to do, served upon or left at the place of abode or business of such person, the Marshal shall cause the same to be removed in such manner as will most speedily and effectually accomplish the abatement of such nuisance, and immediately cause suit to be commenced in the name of the city of Evansville for the expenses of such removal against the person or persons upon whose premises such nuisance may be found, or against the owner of any such dead animal, or against the person or persons who may have deposited or caused such nuisance (as the case may be); and any person or persons upon whose premises any such nuisance may be found, or who shall as aforesaid deposit or cause any such nuisance, or own any such dead animal, and who shall fail, neglect, or refuse to remove the same after notice so to do given by the Marshal or his deputy as aforesaid, shall for each and every hour he shall so fail, neglect, or refuse, forfeit and pay any sum not less than one dollar nor more than fifty dollars: *Provided*, That the provisions

of this section shall not apply to the removal of any dead animal from any unoccupied lot when the owner of such dead animal cannot be ascertained: *And provided*, That upon the repetition of a nuisance at any time which may have been previously abated in compliance with or after notice served by the City Marshal or his deputy, as provided for in this section, no new notice to remove the same shall be required, but the Marshal or his deputy shall proceed forthwith to remove the same, and cause suit to be brought against the person or persons on whose premises such nuisance may be found, or who may have deposited or caused the same, and upon proof of such previous notice and abatement and of the repetition of such nuisance, such person or persons shall forfeit and pay, in addition to the expense of the removal of such nuisance, any sum not less than one dollar nor more than fifty dollars.

SEC. 4. Any person or persons causing any nuisance by depositing or placing any manure or any other unwholesome or offensive matter or substance whatever, or any obstructions of any kind, on any street or alley, wharf, river bank, public grounds, market-house, market-place, or canal, as defined in the second section of this ordinance, shall forfeit and pay any sum not less than two dollars nor more than one hundred dollars.

SEC. 5. Hereafter there shall not be erected or used any slaughter-house, soap-factory, tallow-chandler, or distillery within the limits of the city of Evansville (except those already in use), without first applying to the Common Council for privilege to erect and use such house, and complying with any order or ordinance that said Council may pass or adopt relative thereto; and if any such house or factory shall be erected contrary to the provisions of this section, such house or factory shall be deemed a nuisance, and the person or persons erecting the same shall forfeit and pay any sum not less than five dollars nor more than one hundred dollars, and ten dollars

in addition thereto for every day such nuisance shall be continued.

SEC. 6. Slaughter-houses, soap-factories, tallow-chandleries, distilleries, and other buildings, as well as those now erected and in use as those which may hereafter be erected and used, in which any business is or shall be so carried on as to injure the health, comfort, or convenience of any portion of the inhabitants of the city, may be abated by order of the Common Council; but before such abatement shall take place, the Common Council shall summon the owner or occupier thereof to appear before the Council at a particular time and place, at which time and place the Council shall investigate the matter and hear testimony relative thereto; and if the Council shall be of the opinion that the business carried on in such building is injurious to the health, comfort, or convenience of any portion of the inhabitants of the city, it may declare the same a nuisance, and require the owner or occupier of such building to remove the same beyond the limits of the city, or to discontinue the business carried on in said building, and which shall have been complained of, within a specified time; and if such owner or occupier shall refuse or neglect to obey the order of the Council relative thereto, after a copy thereof shall have been served upon him, her, or them by the Marshal, such owner or occupier, for each day he shall so neglect or refuse, shall forfeit and pay any sum not less than one dollar nor more than fifty dollars.

SEC. 7. It shall be lawful for the Marshal or his deputy, at any time between the hours of eight o'clock A. M. and four o'clock P. M., to enter into any cellar, soap-factory, or other place where nuisances are likely to be engendered, or where he may have been informed that any nuisance exists (first making application to the owner or occupier thereof, if to be found), and examine the same; and it shall be the duty of the Marshal, by himself or deputy, to enter into any soap-factory,

slaughter-house, tallow-chandlery, distillery, or other place, whenever complaint is made concerning any such place, and examine the same, and make report of the condition thereof to the Common Council at its next regular meeting.

SEC. 8. An ordinance entitled "An Ordinance declaring what are nuisances in the city of Evansville, and authorizing the removal thereof," passed April 17th, 1847; and an ordinance entitled "An Ordinance to amend an ordinance entitled 'An Ordinance declaring what are nuisances in the city of Evansville, and authorizing the removal thereof,'" passed June 9th, 1849; and an ordinance entitled "An Ordinance in relation to nuisances," published and in force July 23d, 1850, are hereby repealed: *Provided, however,* That nothing herein contained shall prohibit the city of Evansville from punishing any infraction of any ordinance hereby repealed which may have occurred prior to the passage of this ordinance; but for the purpose of punishing all such infractions said ordinances shall remain in force as if this ordinance had not been passed.

SEC. 9. Nothing contained in this ordinance shall be construed as a repeal of any other ordinance not inconsistent therewith, except the three ordinances repealed in express terms by the last section.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

A SUPPLEMENT to an ordinance passed May 16, 1859, entitled "An Ordinance declaring certain things to be nuisances, and authorizing the abatement thereof, and repealing certain ordinances."

[PASSED FEBRUARY 26, 1864.]

(Published and in force March 4, 1864.)

1. Uncovered cisterns, pits, &c., declared nuisances.
2. Duty of the Marshal in relation to such nuisances.
3. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That all open or uncovered cisterns, cellars, wells, pits, or vaults situate in any open or unfenced lot or place within the city of Evansville, are hereby declared to be nuisances.

SEC. 2. In all cases where any such nuisance may be found upon any premises, it shall be the duty of the Marshal to serve written notice upon the owner or occupant of such premises, requiring such owner or occupant to abate such nuisance within twenty-four hours of the time of service of such notice, either by filling up such nuisance or by fencing or covering the same in a permanent and substantial manner; and if the owner or occupant of such premises cannot be found, said notice shall be posted upon said premises; and if the owner or occupant of such premises shall refuse or neglect to abate such nuisance within twenty-four hours after such notice shall have been served or posted, the Marshal shall cause the same to be abated, and shall immediately thereafter cause a suit to be commenced in the name of the city of Evansville against the owner or occupant of such premises for the recovery of the amount of the cost and expenses of the abatement of such nuisance, and for the recovery of the fine prescribed by this ordinance.

SEC. 3. Any person or persons owning or occupying any open or unfenced lot of ground or premises within said city having thereon any open or uncovered cistern,

cellar, well, pit, or vault, shall forfeit and pay any sum not less than ten nor more than one hundred dollars.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

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AN ORDINANCE in relation to nuisances, and defining certain offenses.

[PASSED NOVEMBER 20, 1865.]

(Published and in force November 24, 1865.)

- 1, 2 and 3. Nuisances defined.
4. Manure, how to be secured and disposed of.
5. Slop-water, how to be disposed of.
6. Wagons and other vehicles not to be left on streets.
7. Fire-wood must not remain on street more than forty-eight hours.
8. Stone-coal must not remain on street more than twenty-four hours.
9. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That slop-water, wash-water, waste water, or filth or garbage of any kind whatever, which may be caused or permitted to flow from any house or premises into or upon any street, alley, or gutter of the city of Evansville, and all slop-water, wash-water, waste water, or filth, offal, or garbage of any kind whatever, which may be thrown or placed in or upon any street, alley or gutter of said city, are hereby declared to be nuisances.

SEC. 2. All manure, ashes, cinders, and rubbish of any kind whatever, which may be thrown or placed upon any street or alley or in any gutter of said city, or which may be so deposited as to fall into or upon any street, alley, or gutter of said city, are hereby declared to be nuisances.

SEC. 3. All lumber, timber, logs, or blocks, and all other obstructions of every kind whatever, placed upon any street, alley, gutter, or sidewalk of said city, are hereby declared to be nuisances.

SEC. 4. It shall be unlawful for any person or persons hereafter to place or cause to be placed any manure in

or upon any open area or space adjoining or near any street or alley, without confining such manure in such manner as to prevent the same from falling into or upon, or being scattered or spread over or upon, such street or alley; and all persons keeping or harboring any horse, mule, cow, hog, or cattle of any kind whatever, shall be, and hereby are, required to cause all manure which may accumulate from such horse, mule, &c., to be kept securely in close bounds, in such manner as will prevent it from being dragged or scattered from such place of deposit into or upon any street, alley or gutter of said city.

SEC. 5. All persons having slop-water, wash-water, waste water, or other filth or garbage accumulating upon their premises, shall be, and hereby are, required to dispose of the same either in proper sinks to be constructed upon their own premises, or by causing all such slop-water, &c., to be kept in casks or other vessels, and deposited in some suitable place outside the corporate limits of the city.

SEC. 6. It shall hereafter be unlawful for any person or persons to permit any wagon, dray, or other vehicle, when not in use, to be placed or remain upon any street or alley of said city.

SEC. 7. It shall hereafter be unlawful for any person or persons to place or deposit, or to allow to be placed or deposited, any fire-wood upon any street, alley, or sidewalk of said city, and permit the same to remain upon such street, sidewalk, or alley more than forty-eight hours from the time of its deposit.

SEC. 8. It shall hereafter be unlawful for any person or persons to place or deposit, or allow to be placed or deposited, any stone-coal upon any street, alley, or sidewalk of said city, and permit the same to remain upon such street, alley, or sidewalk more than twenty-four hours from the time of its deposit.

SEC. 9. Any person or persons causing any nuisance,

as defined by this ordinance, or violating any of the provisions of this ordinance, shall, upon conviction, forfeit and pay not less than five nor more than one hundred dollars.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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A SUPPLEMENT to an ordinance passed May 16th, 1859, entitled "An Ordinance declaring certain things to be nuisances, and authorizing the abatement thereof, and repealing certain ordinances."

[PASSED JANUARY 20, 1868.]

1. Houses of ill-fame, &c., the inmates; gambling houses, &c., declared nuisances.
2. Penalty for keeping.
3. Unlawful to visit said places; penalty.
4. Police may enter such places at any time, &c.
5. Marshal or Chief of Police may summon assistants, &c.
6. Unlawful for police to be found in said houses, except on duty; penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That all houses of ill-fame, houses of assignation, houses of prostitution, or whoredom, and all whores and prostitutes, and keepers, or proprietors of houses of ill-fame, or houses of assignation, prostitution, or whoredom, and all persons visiting any such house or houses for the purpose of prostitution or whoredom, and all gambling houses, keno tables, faro banks, and all other gaming or gambling tables, or apparatus of any kind whatever, are hereby declared to be nuisances.

SEC. 2. That any person or persons, being the owner, keeper, proprietor, or superintendent of any such nuisances, as defined by the first section of this ordinance, shall, on conviction, forfeit and pay any sum not less than fifty dollars, nor more than five hundred dollars.

SEC. 3. It shall be unlawful for any person or persons to occupy, visit, or use any gambling table, or apparatus for the purpose of gaming or gambling, or to occupy or visit any house of ill-fame, or house of prostitution or

whoredom, for the purpose of prostitution or whoredom, and any person or persons violating any provisions of this section, shall, on conviction, forfeit and pay any sum not less than ten dollars, nor more than one hundred dollars.

SEC. 4. For the purpose of suppressing gaming and gambling houses, and houses of ill-fame, it shall be lawful for any police officer of the city of Evansville, either with or without process, to enter at any time, any gaming or gambling house, or house of ill-fame, within the limits of the city, or within one mile thereof, and arrest the occupants thereof; and all persons found therein who shall have visited the place for the purpose of gaming or gambling, or for the purpose of prostitution or whoredom, and any person found in a gaming or gambling house, shall be presumed to be there for the purpose of gaming or gambling: and every person found in a house of ill-fame, house of assignation, or house of prostitution, shall be presumed to be there for the purpose of prostitution or whoredom.

SEC. 5.. For the purpose of further suppressing gaming and gambling houses, it shall be lawful for the City Marshal, or any Chief of Police, to summon to his aid suitable and necessary assistance, and to seize all keno tables, keno boxes, faro banks, gaming or gambling tables, or gaming or gambling apparatus of any kind whatever, and secure the same, so that they cannot be used for gaming or gambling purposes; and, if resisted in the discharge of his duty, under this section, such officer or officers may destroy all such implements or apparatus.

SEC. 6. It shall be unlawful for any police officer to be found in any gaming or gambling house, or house of ill-fame, or house of assignation, prostitution or whoredom, except in discharge of his duty as such police officer, for the purpose of making arrests, or quelling riots, or disturbances of the peace, or preventing violation of city ordinances; and any person or persons violating any of

the provisions of this section shall, on conviction, forfeit and pay not less than ten dollars, nor more than one hundred dollars.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE to provide for the removal and burial of dead animals.

[PASSED DECEMBER 23, 1865.]

[Published and in force December 29, 1865.]

1. Contract to be made annually for removal of dead animals.
2. Notice of Dead animals to be left at Clerk's office.
3. Owner of dead animal may remove within ten hours.
4. Duty of the party contracting to remove dead animals.
5. No person to remove dead animal except the owner or party having the contract.
6. When owner prohibited from removing dead animal.
7. Police to give notice of dead animal.
8. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be the duty of the Council, in the month of January of each year, to contract with some responsible person or persons, at a reasonable compensation, for the removal from the city of all dead animals found within the city; and the person or persons so contracted with shall have the right to convert to his or their own use the hides, tallow, horns, and bones of such dead animals. The contract shall be made with such responsible party as will pay the highest bonus for the same, if any bonus can be obtained: *Provided,* That such contractor shall not be allowed to maintain any glue or soap factory within one mile of the limits of the city.

SEC. 2. It shall be the duty of every person desiring the removal of any such dead animal, or having knowledge of any dead animal lying in any vacant lot, street, or alley of the city, to give immediate notice thereof in writing at the Clerk's office, stating where such dead animal may be found, and the kind thereof.

SEC. 3. Nothing in this ordinance shall be held or construed to prevent the owner of any such dead animal from removing the same from within the city limits, if done within ten hours (not including the night-time) from the time of the death of such animal.

SEC. 4. It shall be the duty of the party so contracted with to call at the office of the City Clerk at least twice every day (Sundays excepted) to receive notice of the whereabouts of any such dead animals, and to remove the same within ten hours next after receiving such notice; and for any failure to comply with the provisions of this section, such party shall, on conviction, forfeit and pay any sum not exceeding ten dollars.

SEC. 5. It shall be unlawful for any person or persons other than the one contracted with, except the owner of such animal, to remove any dead animal or appropriate the same, or any part thereof, to his own use; and any person or persons violating the provisions of this section shall, on conviction, forfeit and pay any sum not less than ten nor more than fifty dollars.

SEC. 6. Any person, being the owner of any animal dying within the city, who shall cause notice to be given at the Clerk's office as aforesaid, shall not appropriate any part of said dead animal to his or her own use; and for a violation of the provisions of this section, the offender shall, on conviction, forfeit and pay any sum not less than ten nor more than fifty dollars.

SEC. 7. It shall be the duty of the city police to give notice of the existence of any dead animals within the city as soon as the same shall come to their knowledge.

SEC. 8. Any person violating any of the provisions of this ordinance, or neglecting to perform any of the duties required, to which there is not a specific penalty attached, shall, on conviction, be fined in any sum not exceeding twenty dollars.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

AN ORDINANCE defining offences, and prescribing punishment therefor.

[PASSED SEPTEMBER 13, 1859.]

[Published and in force September 16, 1859.]

1. Drunkenness.
2. Common prostitutes.
3. Indecent conduct or language.
4. Harboring prostitutes.
5. Carousals, &c.
6. Indecent exposure of person.
7. Indecent words or gestures.
8. Noise, disorder, &c.
9. Cruel treatment of animals.
10. Malicious injury or destruction of property.
11. Resisting city officers.
12. Obscene books, pictures, &c.
13. Playing quoits, &c., on Sunday.
14. Exhibiting goods on sidewalk on Sunday.
15. Processions and parades on Sunday.
16. Bands performing on Sunday.
17. Theatres, &c., on Sunday.
18. Dances, carousals, &c., on Sunday.
19. Assault, and assault and battery.
20. Immoderate riding, driving, &c.
21. Assignation houses, gambling houses, &c.
22. Tallow-chandleries, soap-factories, &c.
23. Gunpowder.
24. Lighted candle, lamp, cigar, &c., in barnes or stables.
25. Animals hitched to vehicles in the street.
26. Drays and carts to have lock-chain.
27. Buildings projecting into streets, alleys, &c.
28. Obstructing streets, sidewalks, alleys, &c.
29. Injuring or defacing buildings, grounds, &c.
  - Riding or driving over sidewalks.
  - Injury to streets, alleys, wharves, &c.
30. Bathing in river or canal in daytime.
31. Rolling hoops, flying kites, &c.
32. Discharging fire-arms, squibs, &c.
33. Throwing stones, &c., at houses.
34. Injury to cisterns.
35. Throwing dead animals into river or canal.
36. False alarm of fire.
37. Injury to houses, trees, &c.
38. Ashes kept in barrels, boxes, &c.
39. Removing earth from public ground.
40. Destroying advertisements, notices, &c.
41. Horses, &c., how to be hitched.
42. Ditches or drains.
43. Stopping vehicles over or across foot-ways.
44. Vagrants, common prostitutes, and street beggars.
45. Possessing burglars' or counterfeiters' tools, &c.
46. Attempt to commit a felony.
47. Neglect to procure license.
48. Disturbing religious worship.
- 49 and 50. Penalty.
51. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person to be found drunk in any street, alley, or public place within the city.

SEC. 2. It shall be unlawful for two or more common prostitutes to walk together, or be in company, on any sidewalk, street, alley or other public thoroughfare during the night season, or for any person, during either the night or day, to stop on any street, sidewalk, alley, or other public thoroughfare and hold familiar conversation with any common prostitute, knowing her to be such.

SEC. 3. It shall be unlawful for any person to commit or perpetrate any indecent, immodest, lewd, or filthy act in the presence or view of any other person, or in such a situation that a person passing or repassing might ordinarily see the same, or to utter or speak any bawdy, lewd, or filthy words or discourse within the hearing of any other person.

SEC. 4. It shall be unlawful for any person to harbor or keep about his or their premises any strumpet or whore, and permit her to follow a lewd course of life.

SEC. 5. It shall be unlawful to get up dances or carousals for idle and dissolute persons, or to attend or frequent the same.

SEC. 6. It shall be unlawful for any person to make any indecent or immoral exhibition or exposure of his or her person, or to cause or procure any person or persons to do the same in the presence or view of any other person or persons.

SEC. 7. It shall be unlawful for any person to address any wanton, obscene, or lewd language or words to another, or exhibit any wanton, lewd, or obscene gestures or conduct.

SEC. 8. It shall be unlawful for any person or persons to make any noise, disorder, or tumult, to the disturbance of the peace of the city, or to the annoyance of any of its inhabitants, or to permit such noise, disorder, or tumult to be made in or about his, her, or their house or prem-

ises; and for the purpose of enforcing the provisions of this section, it shall be lawful for the Marshal or his deputies to enter any house, out-house, garden, or any place of amusement, to arrest any person violating the same.

SEC. 9. It shall be unlawful to beat, injure, or treat any animal whatever in an immoderate, cruel, or unnecessary manner.

SEC. 10. It shall be unlawful for any person or persons maliciously or intentionally to injure, deface, mutilate, or destroy any public property of the city, or any house, building, tree, plant, shrub, fence, railing, fixture, or other structure, or any goods and chattels the property of any other person or persons.

SEC. 11. It shall be unlawful for any person or persons to resist or molest any city officer in the execution or performance of his duty.

SEC. 12. It shall be unlawful for any person to print, engrave, make, sell, or offer for sale, or exhibit as for sale, or for any other purpose, any indecent, immodest, or lascivious book, pamphlet, paper, picture, or statuary.

SEC. 13. It shall be unlawful for any person or persons to play at marbles, quoits, or other game or sport, on the first day of the week, commonly called Sunday.

SEC. 14. It shall be unlawful for any person or persons to expose for sale any article of merchandise by hanging the same outside the door or window of any house, or by placing the same upon any sidewalk or street within the city on the first day of the week, commonly called Sunday.

SEC. 15. It shall be unlawful for any company of persons, society, or association to hold or conduct any procession or parade on the first day or the week, commonly called Sunday; and every person participating in such procession or parade shall be deemed a violater of this section; but this section shall not be so construed as to include funeral processions, or any procession of any church or religious society, or congregation engaged in

the performance of any ceremony of their religion or worship.

SEC. 16. It shall be unlawful for any band of instrumental musicians to perform on the first day of the week, commonly called Sunday; and every person who shall participate in such performance shall be deemed to have violated this section; but this section shall not be so construed as to prohibit any church or congregation from using instrumental music of any kind while engaged in worship or in the performance of any ceremony of their religion.

SEC. 17. It shall be unlawful to keep open for visitors, or to visit, any theatre, show, circus, or other exhibition on the first day of the week, commonly called Sunday.

SEC. 18. It shall be unlawful for any person to engage or participate in, or to allow or permit about his premises, any dance, carousal, or other disorderly conduct, on the first day of the week, commonly called Sunday.

SEC. 19. It shall be unlawful for any person to commit an assault, or an assault and battery, or to be engaged in any riot or affray within the city.

SEC. 20. It shall be unlawful for any person or persons to run, or knowingly suffer to be run, his, her, or their horse or other animal, in what is commonly called a horse-race, or to immoderately lead, ride, or drive any horse or other animal in or along any street, alley, or other public place within the limits of the city, except in cases of urgent necessity.

SEC. 21. It shall be unlawful for any person to keep a house of assignation, or a house of ill-fame, or a gambling-house or gaming-table, or a disorderly inn, tavern, coffee-house, or other disorderly house of any kind.

SEC. 22. It shall not be lawful for any person owning or occupying any piece of ground, grocery, tallow-chandlery, soap-factory, tannery, stable, barn, privy, slaughterhouse, sewer or other place or structure within the city,

to suffer or allow the same to become or remain unclean or filthy, or in such a condition as to offend the senses, injure the health, or detract from the comfort of any portion of the inhabitants of the city.

SEC. 23. It shall not be lawful for any person to keep within the limits of the city any gun or blasting powder, in any quantity greater than twenty-five pounds at one time; and it shall not be lawful to keep twenty-five pounds of such powder, or any less quantity, in any other vessel than a tin canister, with a proper cover or stopper, and labelled with the words "gunpowder;" nor shall it be lawful for any person to sell any such powder after twilight, or by candle or gas light.

SEC. 24. It shall not be lawful for any person to use any lighted candle, lamp, match, or other artificial light not enclosed in a lantern, or to smoke or handle any lighted cigar or pipe, in any barn or stable containing hay, straw, or other matter which is easily ignited.

SEC. 25. It shall not be lawful for any person having charge of any animal or animals which may be hitched or attached to any vehicle to leave the same in any street, alley, or other place within the city, without unhitching or unfastening the chains, traces, or yoke by which such vehicle may be drawn, or without otherwise effectually securing each such animal so that it cannot run away with such vehicle; but the provisions of this section shall not apply to licensed carts or drays.

SEC. 26. It shall not be lawful for any person to use or drive a licensed dray or cart within the city without having a sufficient lock-chain attached thereto; nor shall it be lawful for any person having charge of such cart or dray to suffer the same to stand with a horse or horses or other animal or animals attached thereto, or to lay down the lines with which such horse or horses or other animal or animals shall be driven, and go out of the reach of the same, without locking the wheel of such dray or cart, and also fastening the lines to said

wheel or to some other object, so as to prevent the animal or animals attached from running away therewith.

SEC. 27. It shall not be lawful for any person to erect, place, or continue, or cause to be erected, placed, or continued, any private dwelling-house or other building in or upon, or projecting into or upon, any public ground, common, street, alley, or sidewalk of the city ; nor shall it be lawful for any such person to fail, neglect, or refuse to remove such house or other building after notice from the Marshal so to do.

SEC. 28. It shall not be lawful for any person to encumber or obstruct any street, alley, sidewalk, market-place, public ground or building of the city with any carriage or carriages, dray or drays, cart or carts, box or boxes, barrel or barrels, lumber, timber, firewood, coal, manure, or other substance, thing, or material whatever: *Provided*, That the occupancy of three feet of any sidewalk adjoining the buildings by merchants, shop-keepers, and others during the daytime shall not be deemed to be an incumbrance or obstruction within the meaning of this section.

SEC. 29. It shall not be lawful to injure or deface any public building or grounds, or their appurtenances, attachments, or fixtures, belonging to the city ; or to lead, ride, or drive, or cause to be led, rode, or driven, any horse, mule, or ox, or any wagon, dray, or other vehicle, upon, along, or across any sidewalk, or in any other manner to injure the same ; nor shall it be lawful to dig up any part of any alley, street, landing, wharf, or public common, or in any wise unnecessarily to injure the same, or to injure any property, real or personal, belonging to the city.

SEC. 30. It shall not be lawful for any person to bathe in the Ohio River in front of the city, between the mouth of the little bayou above the city and the mouth of Pigeon Creek, or in any part of the canal within the limits of the city at any time during daylight.

SEC. 31. It shall not be lawful for any person to roll a hoop, fly a kite, play at ball or long bullets, or throw any stone, brickbat, stick, or other hard substance, along, across, or over any street, alley, or sidewalk, within the city, or to indulge in any other practice having a tendency to annoy any person, or endanger life or property, or to frighten teams, horses, or other animals.

SEC. 32. It shall not be lawful for any person to discharge any cannon, swivel, rifle, or other fire-arms; or to set off any fire-cracker, squib, or other fire-works, within the city, except upon the first day of January, the twenty-second day of February, the fourth day of July, and Christmas Day: *Provided*, That nothing herein contained shall prohibit the discharge of fire-arms by the military, when on parade or engaged in training: *And provided also*, That the Mayor and any two Councilmen may authorize the discharge of fire-arms or cannon in commemoration of any important event.

SEC. 33. It shall not be lawful for any person to throw, or cause or procure to be thrown, any stone, brickbat, water, or any other substance, at, upon, or against any house, fence, out-house, or other building or structure within the city, with the intention of injuring the same, or with the intention of injuring, annoying, or alarming any other person or persons.

SEC. 34. It shall not be lawful to put any filth or rubbish of any description into any cistern belonging to the city, or in any manner to injure the same, or to obstruct or injure any sewer or drain within the city.

SEC. 35. It shall not be lawful for any person to put any dead animal into the Ohio River opposite to the city, or within one mile above the same, or into the canal within the city, or within one mile above the same.

SEC. 36. It shall not be lawful for any person to cause, or assist in causing, a false alarm of fire to be given,

with an intent to deceive any portion of the inhabitants of the city.

SEC. 37. It shall not be lawful for any person wantonly to injure any private building, market-house, seminary, or any edifice whatever, or any shade or ornamental tree (or the box or protection around the same) planted in any street or public ground within the city.

SEC. 38. It shall not be lawful for any person to keep ashes in a barrel, box, or other combustible vessel, within twenty feet of any dwelling-house, or store, or business house, or within ten feet of any out-house or fence.

SEC. 39. It shall not be lawful to dig or remove, or carry away, for private use, any earth or sand from any part of the bank of the Ohio River in front of the city, and not owned by private individuals, without the permission of the Common Council first obtained so to do.

SEC. 40. It shall not be lawful for any person to pull down, deface, or destroy any written or printed advertisement or notice posted up at any proper place within the city by any officer of the city in the performance of his official duties.

SEC. 41. It shall not be lawful for any person to hitch any horse or other animal without securing the same so that it cannot go upon or over any sidewalk within the city, nor shall it be lawful to hitch any such animal to any shade or ornamental tree in such a manner that such animal can injure the same.

SEC. 42. It shall not be lawful for any person to dig, or cause to be dug, any ditch or drain, for the purpose of conducting water over the bank of the Ohio River in front of the city, unless by the direction or with the permission of the Common Council.

SEC. 43. It shall not be lawful for any person having the care or control of any dray, cart, wagon, carriage,

buggy, or other wheeled vehicle, to allow or cause the same to be stopped over or across any gunwale or foot-path, at the intersection of any streets, or at the intersection of any street and alley, so as to obstruct the passage of foot-passengers along or over such gunwale or foot-path.

SEC. 44. Every vagrant, every street beggar, and every common prostitute found within the city shall be subject to the penalty hereinafter prescribed for a breach of any of the provisions of this ordinance. Every person who shall, within the city, get his livelihood by gaming, and every able-bodied person who may be found loitering and wandering about the city, and not having wherewithal to maintain himself or herself by some visible property or means, and who doth not betake himself or herself to labor or some honest calling to procure a subsistence, and every person who shall be guilty of habitual drunkenness, without any visible means of support, shall be deemed and taken to be a vagrant. Every female resident in the city who shall gain her livelihood in whole or in part by the promiscuous prostitution of her body shall be deemed and taken to be a common prostitute. Every person who shall obtain his or her livelihood, either in whole or in part, by street begging within the city, shall be deemed and taken to be a street beggar.

SEC. 45. It shall be unlawful for any person to have or possess within said city any of the tools, implements, or apparatus of a burglar, counterfeiter, or pickpocket, unless the person possessing the same can affirmatively show that they were not procured and are not held for dishonest purposes.

SEC. 46. It shall be unlawful for any person within the city of Evansville to attempt to commit a felony, or to attempt to do or commit any act which, if consummated, would render such person guilty of a felony by and under the laws of the State of Indiana.

SEC. 47. It shall be unlawful for any person, either by himself or agent, to transact any business, or do any act, without procuring a license from the city authorities therefor, when such license is required by any ordinance of the city heretofore passed or hereafter to be passed.

SEC. 48. It shall be unlawful for any person or persons to remain, assemble, or congregate at or near the door or window of any church, house, or building used or occupied for the purpose of religious worship, and make any noise, either by conversing or otherwise, to the annoyance or disturbance of any person or persons.

SEC. 49. Any person or persons who shall offend against any provision or provisions of this ordinance shall, for every such offense, forfeit and pay any sum not exceeding fifty dollars, and for each subsequent conviction after the first forfeit, such forfeiture may be increased by the officer trying the cause to any sum not exceeding one hundred dollars.

SEC. 50. Whenever any act or omission is rendered unlawful by any ordinance of the city heretofore passed, or hereafter to be passed, and no penalty is prescribed by such ordinance for such act or omission, the penalty prescribed by the last preceding section of this ordinance shall apply.

SEC. 51. All ordinances inconsistent with the provisions of this ordinance, as well as all ordinances within the purview of this ordinance, are hereby repealed; but offenses heretofore committed against such ordinances may be punished as though this ordinance had not been passed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

A SUPPLEMENT to an ordinance passed September 13, 1859, entitled "An ordinance defining offenses, and providing punishment therefor."

[PASSED JUNE 16, 1865.]

[Published and in force June 20 1865.]

1. Wearing of rebel uniforms, &c., prohibited.
2. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person within the limits of said city to wear upon his or her person any rebel uniform, or any part of the uniform recently in use in the army of the traitors, or any badge or insignia, such as was used or worn by said traitors, or to exhibit any banner or flag similar to those recognized and used by said traitors, and acknowledged as the flag or banner of the so-called Confederate States of America.

SEC. 2. Any person or persons offending against any provision of this ordinance, shall forfeit and pay not less than five nor more than fifty dollars for the first offense, and for any subsequent offense not more than one hundred dollars.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

AN ORDINANCE prohibiting the tearing down of handbills, posters, programmes, and other public notices and advertisements, and prescribing punishment therefor.

[PASSED OCTOBER 25, 1862.]

[Published and in force October 29, 1862.]

1. Handbills, posters, &c., must not be torn down. Proviso.
2. Penalty.
3. Proviso.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person to tear down any handbill, poster, programme, or other public notice attached to any house, fence, wall, or

other structure, for the purpose of advertising any article of merchandise, any lawful assembly to be held, or anything else to be done that is not prohibited by law: *Provided*, That the owner or owners of such house or fence, or other structure, and the person who caused such public notice to be posted up, shall not be included in this ordinance: *And provided further*, That no advertisements or notices, as above described, except religious notices, or notices pertaining to the interment of deceased persons shall be attached to houses of worship, or within the enclosure of cemeteries.

SEC. 2. Any person violating the provisions of this ordinance shall be fined not less than one nor more than ten dollars for each offense of which he or she shall have been duly convicted.

SEC. 3. Nothing herein contained shall be construed to prevent the destruction of obscene advertisements or notices, nor shall this ordinance be construed to interfere with the execution of sections forty and fifty of an ordinance entitled "An ordinance defining offenses, and prescribing punishment therefor," passed September 13, 1859.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE for the protection of the public property of the City of Evansville.

[PASSED JUNE 6, 1863.]

(Published and in force June 8, 1863.)

1. No cow, horse, hog, or other animal to be permitted in any cemetery or other enclosed public ground.
2. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville*, That it shall hereafter be unlawful for any person or persons to place, or cause or permit to be placed, any cow, horse, hog or other animal in any park,

school-house lot, graveyard cemetery or other lot belonging to the city.

SEC. 2. Any person or persons violating the provisions of this ordinance, shall forfeit and pay for every such offense any sum not exceeding ten dollars.

W. BAKER, Mayor.

Attest: A. PFAFFLIN, Clerk.

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AN ORDINANCE concerning the mode of trial in certain cases before the Mayor.

[PASSED JUNE 16, 1847.]

(Published and in force June 17, 1847.)

1. Defendant in Mayor's Court may be tried by Mayor or jury, or may be recognized to appear at next Circuit Court.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any person shall be arrested at the suit of said city, and charged with the commission of any offense punishable by any ordinance passed by the Common Council, and which is also made indictable by any statute of the State of Indiana, such person shall be tried by the Mayor or by a jury, as he or she may elect, or such person may, without a trial, choose to be recognized to appear and answer to the charge in the next Circuit Court of Vanderburgh county, and enter into recognizances accordingly; and when any such person shall so elect to be recognized, it shall be the duty of the Mayor to cause such person to enter into recognizance in the manner which the statute in force at the time may require justices of the peace to take recognizances of persons charged with crimes before them.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

AN ORDINANCE to require fines and costs for breaches of the ordinances of the city to be satisfied by labor, if not paid or replevied.

[PASSED JANUARY 16, 1858.]

(Published and in force January 18, 1858.)

1. Fines and costs to be satisfied by labor.
2. Labor to be performed under supervision of Mayor or Street Commissioner. Ball and chain may be used.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever any person shall be adjudged to pay any fine for a breach of any ordinance of said city, and shall, for twenty-four hours after the judgment shall have been rendered against him, fail to pay such fine with all the costs adjudged against him, it shall be the duty of the Mayor of the city to cause and require such person to labor on the streets or other public works of improvement of the city, one day for every sixty cents of such fines and costs, until the same shall be fully satisfied; from eight to ten hours labor to constitute a day.

SEC. 2. Such labor may be done under the immediate supervision of the Mayor, or he may direct it to be done under the direction of the Street Commissioner; and in either case it shall be lawful for the Mayor or Street Commissioner to require the party convicted to labor with a ball and chain attached to his leg or ankle in such manner as to prevent his escape, and said Mayor or Street Commissioner may use such corporeal punishment as may be necessary to compel any person convicted as aforesaid to perform the required labor.

JOHN HEWSON, Mayor.

Attest: WELL. H. WALKER, Clerk.

A SUPPLEMENT to an ordinance passed January 16, 1858, entitled "An ordinance to require fines and costs for breaches of the ordinances of the city to be satisfied by labor, if not paid or replevied."

[PASSED SEPTEMBER 1, 1860.]

(Published and in force September 5, 1860.)

1. Labor may be performed under supervision of person appointed by the Mayor.
- SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever, in pursuance of the provisions of the said ordinance of January 16, 1858, any person shall be required to perform any labor in satisfaction of any judgment rendered against him for the violation of any ordinance of the city, such person may be required to perform such labor under the supervision of any person who may be appointed by the Mayor, and the person so appointed shall have all the power and authority conferred upon the Mayor and Street Commissioner by the second section of said ordinance.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE concerning officers and the filling of vacancies.

[PASSED APRIL 16, 1847.]

(Published and in force May 8, 1847.)

1. Certain officers to give bond with security.  
Security to be approved by the Mayor.  
Amount of security to be fixed by the Council.  
Oath of office to be endorsed on bond.
2. Vacancies in certain offices, how filled.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That all officers whose office is created by any by-law, ordinance, rule or regulation of the Council, except wood measurers, shall, before entering

upon the duties of their respective offices, severally give bond with security, to be approved by the Mayor, and in such sum as the Council shall direct, payable to the city of Evansville, and conditioned for the faithful discharge of the duties pertaining to their respective offices; and also to take an oath (to be endorsed upon the bond) before the Mayor, or some other competent authority, for the faithful discharge of such duties.

SEC. 2. Whenever a vacancy shall happen in any office (except Mayor or Councilmen), created by the charter, or any by-law, ordinance, rule or regulation of the Common Council of the city, by reason of death, removal, sickness or inability to act, or otherwise, the Mayor, and in his absence the Clerk, and in the absence of both Mayor and Clerk, then one of the Common Council shall appoint some suitable person to fill such vacancy until the next meeting of the Council, at which meeting said Council shall proceed to fill such vacancy.

JAMES G. JONES, Mayor.

Attest: JOHN J. C'HANDLER, Clerk.

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AN ORDINANCE to prohibit officers of the city of Evansville from purchasing city orders for less than their par value, and for other purposes.

[PASSED JUNE 3, 1848.]

(Published and in force June 10, 1848.)

1. City officers must not purchase city orders at a discount.
2. Collector to keep separate account of money and orders received.
3. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall not be lawful for the Mayor or any member of the Common Council of said city, the Clerk, Treasurer, Marshal, Collector, Market Master, Wharf-master or Weigh Master, either directly or indirectly, to purchase, or receive in payment or exchange, any demand against the city, or any city

order for any claim allowed by the Council, for a less amount than that expressed on the face of such demand or order.

SEC. 2. That it shall be the duty of the City Collector to enter upon the tax duplicate the several amounts of money and of city orders which he shall receive in the collection of taxes, and to enter upon a book to be kept by him for that purpose, the several amounts of money and of city orders which he shall from time to time receive from any and all sources other than the yearly tax; and it shall further be his duty, in his returns to be made to the Common Council or their Clerk, on or before the first Monday in November, and on or before the second Monday in March, to state the aggregate amount received by him from each source of incidental revenue, and to show separately the aggregate amount collected by him from all sources, in money and in city orders.

SEC. 3. Every officer named in the first section of this ordinance who shall violate any of the provisions thereof, shall for every such violation forfeit and pay any sum not less than ten dollars nor more than five hundred dollars.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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AN ORDINANCE regulating the building of party walls.

[PASSED APRIL 21, 1847.]

(Published and in force May 8, 1847.)

1. Surveyors of party walls, how appointed and term of office.
2. Surveyors to make out and deliver to Marshal notice of survey.  
Service and return of such notice.
3. Notice must be served three days previous to the time fixed for the appraisement.
4. Notice, how given to non-residents.
5. Valuation, how made and returned.
6. Dimensions of party walls.
7. Surveyors' fees.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville, That annually the Council shall elect*

three surveyors to view and estimate the value of party walls hereafter to be built within the city, who shall hold their office for the term of one year from and after their election, and until their successors are elected and qualified.

SEC. 2. Before such surveyors shall proceed to view and estimate the value of any such party wall, they shall make out and sign a written notice, specifying the time and place, when and where such view and estimate will be made, and also a particular description of the lots or parts of lots between which such party wall is a partition, and deliver the same to the Marshal, who shall serve such notice personally upon or by leaving a copy thereof at the residence or business place of the owner or owners of any lot or lots, or part of lot, upon the line of which such wall is built, which notice, with the fact and manner of such service, shall be forthwith returned to the City Clerk, who shall file and preserve the same in his office.

SEC. 3. Every notice required by the second section of this ordinance shall be served in the manner therein pointed out, at least three days before the time fixed by such surveyors for the view and valuation of such party wall.

SEC. 4. Whenever it shall be made known to said surveyors, by the Marshal's return to any such notice, or by any other means whatever, that the owner or owners of any lots, lot or part of lot, upon the line whereof any such party wall is erected, is or are a non-resident of the county of Vanderburgh, and that there is no agent of such owner or owners residing in said county, it shall be the duty of said surveyors to notify such owner or owners by publication for four weeks successively in some newspaper printed in the city (if any such there be), of the time and place, where and when such view and valuation will be made; and a copy of such printed notice, with the affidavit of the proprietor

or publisher of such newspaper attached thereto, shall be procured by such surveyors, and deposited with the City Clerk, to be by him filed and preserved in his office.

SEC. 5. Said surveyors, after having given notice as aforesaid, shall meet at the time and place appointed, and proceed to view and value such party wall, and they shall have power to adjourn from day to day until they shall have completed such view and valuation; and whenever the same is completed, and reduced to writing and verified in the manner pointed out by the charter of said city, they shall deposit it with the Clerk of the city, to be by him filed and kept in his office.

SEC. 6. Whenever any party wall is to be built on any line dividing any lots or parts of lots, when the same is to be built of stone or bricks, it shall be unlawful for any person to build any such wall unless the foundation thereof shall be at least nine feet below the level of the side-walk in front of and adjoining such lots or parts of lots, as the same shall be fixed by the City Surveyor, and at least eighteen inches in thickness from the bottom thereof up to the first tier of joists, and unless such foundation shall be faced on both sides, and unless such wall above the first tier of joists up to the square of the building shall be at least thirteen inches in thickness, and in length not less than twenty nor more than ninety feet.\*

SEC. 7. Such surveyors shall be entitled to receive, for viewing and estimating any such wall, one dollar each, to be paid by the person claiming their services.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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\*See ordinance of May 21, 1853—post.

AN ORDINANCE to amend an ordinance entitled "An ordinance regulating the building of party walls," passed April 21, 1847.

[PASSED MAY 21, 1853.]

(Published and in force May 25, 1853.)

1. Repeal of part of former ordinance.
2. Dimensions of party walls.
3. Parties may vary dimensions by agreement.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That so much of the sixth section of said ordinance as limits the length of party walls to ninety feet, be and the same is hereby repealed.

SEC. 2. That party walls hereafter built in pursuance of said sixth section, shall be at least twenty-two inches in thickness from the bottom thereof up to the first tier of joists, and at least eighteen inches in thickness from the first up to the second tier of joists, and at least thirteen inches in thickness above the second tier of joists up to the square of the building; and such party walls shall be constructed according to the provisions of said sixth section, except so far as said provisions are changed by this ordinance.

SEC. 3. Nothing contained in this ordinance, or in the said ordinance passed April 21st, 1847, shall be so construed as to prevent the building of any party wall of any thickness, when all the owners each side of the dividing line shall agree in writing touching the thickness of such walls.

JOHN S. HOPKINS, Mayor.

Attest: GEO. H. TODD, Clerk.

## AN ORDINANCE concerning peddlers.

[PASSED APRIL 26, 1847.]

(Published and in force May 29, 1847.)

1. Peddlers must obtain license.
2. Price of license.
3. License, how obtained.
4. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall be unlawful for any traveling merchant or merchants, peddler or peddlers, to vend or offer for sale any goods, wares, merchandise, jewelry, drugs, clocks, medicines, or any other article of value, except produce and provisions, within the city, until a license so to do has first been obtained under the provisions of this ordinance.

SEC. 2. The price of license under this ordinance shall be, for foot peddlers or merchants, five dollars per month; for peddling from wagons, carts or other vehicles, ten dollars per month; and no such license shall be granted for less than one month, nor longer than to the first Monday of August next following.\*

SEC. 3. Any person wishing to procure a license under this ordinance, shall produce to the city Clerk the Collector's receipt for the price of such license, who shall thereupon make out and attest such license, and deliver the same to the applicant, who shall thereupon procure the signature of the Mayor thereto.

SEC. 4. Any person or persons vending or offering to sell any goods, wares, merchandise, jewelry, drugs, clocks, medicines or other articles of value, except produce and provisions, without first having procured a license according to the requirements of this ordinance, shall for every such offense forfeit and pay five dollars.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

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\*See Ordinance of November 19, 1853—post.

AN ORDINANCE to amend an ordinance passed April 26th, 1847, entitled "An ordinance concerning peddlers."

[PASSED NOVEMBER 19, 1853.]

(Published and in force November 22, 1853.)

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter the price of license under said ordinance of April 26th, 1847, shall be for foot peddlers or merchants, not less than five nor more than twenty-five dollars per month; for peddling from wagons, carts or other vehicles, not less than ten dollars nor more than thirty dollars per month: and it shall be the duty of the City Treasurer to fix the amount of every such license when application is made for his receipt for the license money.

JOHN S. HOPKINS, Mayor.

Attest: GEO. H. TODD, Clerk.

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AN ORDINANCE further to amend an ordinance passed April 26, 1847, entitled "An Ordinance concerning peddlers."

[PASSED DECEMBER 19, 1870.]

(Published and in force December 21, 1870.)

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall hereafter be unlawful for any peddler, or any other person or persons to announce publicly or cry out, upon any street or sidewalk of the city, any goods, wares or merchandise, which he or they propose to sell, or upon any pretense whatever, to invite or solicit a collection or crowd of persons upon any such streets or sidewalks: *Provided,* That announcements made by or for auctioneers, merchants or other persons, stating the time or place, when or where any goods, wares or merchandise will be sold, either at auction or otherwise, shall not be held or con-

strued as an infringement of the provisions of this ordinance.

WILLIAM BAKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE in relation to the police force of the city of Evansville.

[PASSED MARCH 19, 1866.]

(Published and in force March 21, 1866.)

1. Police force, what to constitute.
2. Distribution of duties.
3. Policemen to take and subscribe oath.
4. Duties of policemen.
5. Police force, how regulated, who may be appointed, and how policemen may be removed.
6. Duties of Chief of Police.
7. Policemen must not resign without giving notice.
8. Policemen must receive no fee other than their regular salary.
9. Chief of Police to assign policemen to duty.
10. Other duties of policemen.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the police force of the city shall consist of the Marshal, the Deputy Marshal, a Chief of Night Police, and such number of policemen as the Common Council may from time to time fix and determine; said policemen to be appointed by the Council, to serve during the pleasure of the Council, and to receive such compensation as the Council may fix and determine.

SEC. 2. The Marshal and his deputy or deputies, and the day Wharf-master, shall constitute the day police force of the city, and the Chief of Police and all the other policeman shall constitute the night police force of the city.

SEC. 3. That upon the appointment by the Common Council of any member of such police force, it shall be the duty of the City Clerk to issue to him a certificate of such appointment, and each person receiving such certificate shall immediately take and subscribe an oath

to support the Constitution of the United States, and the Constitution of the State of Indiana, and to discharge faithfully all their duties, which oath shall be endorsed upon their certificate of appointment and filed with the City Clerk.

SEC. 4. The members of the police force, during their hours of service, shall keep strict watch within and throughout their respective districts or beats, observe the conduct and movements of all suspicious persons, suppress all disturbances, riots and unlawful assemblies, and arrest, with or without process, and bring before the Mayor or Recorder of said city, any person discovered or caught in the act of violating any ordinance of said city, or penal law of the State of Indiana, and to notify parties ignorant of the laws or ordinances regulating the use of streets, alleys and side-walks, that they are violating the law, and if such offenders shall persist in so offending, to arrest them and bring them before the Mayor or Recorder without process, or else commit such persons to jail until complaint for such offense can be made before said Mayor or Recorder: *Provided*, That no person shall be confined to jail, by virtue of such arrest and commitment, longer than until two o'clock P. M. of the next succeeding day, unless such succeeding day be Sunday, in which case such confinement shall continue only until ten o'clock of the forenoon of the following Monday.

SEC. 5. That the qualification and distribution of duties, mode of trial and dismissal from service of each member of the police force, shall be particularly defined and prescribed by rules and regulations of the Common Council, in accordance with the Constitution and laws of the United States and the State of Indiana applicable thereto: *Provided*, That no person shall be so appointed, or hold any position in the police force aforesaid, who shall ever have been convicted of crime, or borne arms in the service of the traitors in their war

against the Union : *And Provided, further,* That no person shall be removed from the police force aforesaid, except upon written charges preferred against him to the Common Council, and after an opportunity shall have been offered him of being heard in his defense.

SEC. 6. The Chief of Police, having just cause to suspect that any felony has been, or is being, or is about to be committed within any building within said city, may enter upon the same at all hours of the day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen.

SEC. 7. That no member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given ten days' notice thereof, in writing, to the Chief of Police; and no person who shall have been removed, for cause, from the police force established by this ordinance, shall be re-appointed to any position in the said police force.

SEC. 8. That no member of the police force shall receive, or share in, for his own benefit, under any pretense whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by this ordinance, except by consent of the Common Council.

SEC. 9. It shall be the duty of the Chief of Police to assign the several policemen to such districts as he may select; and all members of the police force of the city shall, in the discharge of their several duties, be governed by such rules and regulations as the Common Council may from time to time fix and adopt.

SEC. 10. It shall be the duty of all the members of the police force, whether in the day-time or in the night-

time, to assist the Mayor, Marshal, and Chief of Police in preserving order and suppressing riotous and disorderly conduct, especially upon public occasions, and to arrest all persons found in the act of violating any law of the State or ordinance of the city.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE concerning the building of privies within the city of Evansville.

[PASSED SEPTEMBER 10, 1853.]

(Published and in force September 15, 1853.)

1. Privy vaults to be at least twelve feet deep.  
How walled.  
Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That no privy shall hereafter be built, constructed or erected within the limits of said city, unless the pit or vault thereof is sunk or dug to the depth of at least twelve feet below the surface of the ground, and walled with brick or stone; said wall to be nine inches in thickness, unless the pit is circular; and any person who shall violate the provisions of this ordinance shall, for every such offense, forfeit and pay not more than twenty dollars, nor less than five dollars.

JOHN S. HOPKINS, Mayor.

Attest: GEO. H. TODD, Clerk.

A SUPPLEMENT to an ordinance passed September 10, 1853, entitled "An Ordinance concerning the building of privies within the city of Evansville."

[PASSED FEBRUARY 17, 1868.]

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That no privy shall hereafter be built, constructed or erected within the limits of said city, unless the pit or vault thereof is dug to the depth of twenty feet below the surface of the ground, and walled with brick or stone; said wall to be nine inches in thickness, unless the pit is circular, in which case the wall shall not be less than four inches in thickness; and any person who shall violate the provisions of this ordinance shall, for every such offense, forfeit and pay any sum not less than ten dollars, nor more than fifty dollars.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

**AN ORDINANCE** in relation to sidewalk improvements and repairs, and providing for the assessment and collection of the cost and expenses of such improvements and repairs, and for the sale and conveyance of real estate charged with any portion of such cost and expenses.\*

[PASSED DECEMBER 23, 1865.]

(Published and in force December 30, 1865.)

1. Sidewalks classified.
2. Sidewalks of class No. 1, how made.  
Description of curbing; width of sidewalks.
3. Class No. 2, how constructed.
4. Grade, how ascertained and fixed.
5. Sidewalk improvements, how ordered.
6. Order to be published.  
When owner of real estate may construct sidewalk.  
When owner of real estate may not construct sidewalk.  
If improperly constructed to be removed.
7. Sidewalks not made by owner, to be made by direction of Council.  
When made, Mayor to make a report of cost, &c.
8. When approved by Council, report to be recorded.  
Assessment of cost and expenses.
9. When precept to be issued to Collector.  
When separate precept to be issued against each lot.
10. Advertisement and sale under precept.  
Collector's duty under precept.  
Redemption of real estate sold under precept.  
Treasurer's duties.  
When deed to be made for real estate sold.  
Provisions of ordinance of June 3, 1859, made applicable to sidewalk improvements.
11. Duties of Clerk and Collector.
12. Curbing to be of plank unless otherwise stated in order.
13. Repeal.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville, That all sidewalks within the city shall be divided into two classes, one of which shall be designated as Class No. 1, and the other as Class No. 2.*

*SEC. 2. All sidewalks of Class No. 1 shall be constructed of good, hard, well-burned bricks, laid in a bed of good sand not less than three inches in depth, and covered with a sufficient quantity of good sand to fill all the spaces between the bricks. The curbing shall be of either stone or plank, as the Council may, in the order requiring the improvement to be made, direct. If the curbing be of*

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\*Amended April 20, 1870. See post.

stone, it shall be not less than six inches thick, by at least eighteen inches deep, with a base equal to three-fourths of the top, dressed square to the depth of at least six inches on each end, firmly set, closely adjoining each other, with even surface at the top, and dressed four inches from the top on the side next to the gutter, and three inches from the top on the side next to the pavement, and no stone to be less than three feet in length. If the curbing be of plank, it shall be of good sound white oak, not less than two and a half inches thick, nor less than twelve inches wide, and shall be well secured to good, sound white oak posts, not less than four inches square, well secured in the ground to the depth of at least two feet, and not more than six feet apart. The width of all sidewalks of class No. 1 shall be as follows, to-wit: On Main and Water streets, twelve feet; on Fulton avenue and Franklin street, fifteen feet; on all other streets which are eighty feet wide, the width of such sidewalks shall be twelve feet, and all other streets ten feet, except streets less than sixty feet in width, in which cases the sidewalks shall be eight feet wide.

SEC. 3. All sidewalks of Class No. 2 shall be constructed of good, sound, two-inch oak, pine, poplar or hemlock plank, square-edged, laid down upon and safely secured to good, sound oak cross-ties, not less than four by four inches in thickness, and not more than four feet apart. The portion of each street set apart for sidewalk purposes shall be the same in width as prescribed in the last preceding section; but when a sidewalk of class No. 2 is directed to be made, the space planked shall be at least four feet in width, and shall be placed in or near the middle of the space set apart for sidewalk purposes.

SEC. 4. Whenever the Common Council shall direct the sidewalk in front of or adjoining any lot or part of a lot, or other piece of ground, to be graded and paved, or whenever the owner or owners of such premises shall signify to the Mayor or City Surveyor a wish to grade and pave the sidewalk in front thereof, it shall be the duty of the

City Surveyor and Mayor to fix the proper grade for such sidewalk or sidewalks, and all sidewalks shall be according to the grade thus furnished.

SEC. 5. Whenever the Common Council shall, in pursuance of the charter of the city, order and require any sidewalk to be made or repaired, an order shall be passed directing and requiring such sidewalk to be made or repaired; and if the order require a new sidewalk to be made, said order shall state whether such sidewalk shall be of Class No. 1 or Class No. 2. Said order may include any number of lots or parts of lots, or other pieces or parcels of ground on the same street, or each order may, in the discretion of the Council, only include a single parcel of ground; and the order shall designate the parcel or parcels of ground in front of or adjoining to which such improvement or repairs are to be made, either by the number of the lot or block, or by specifying certain points on the street on which such sidewalk or sidewalks may be situated.

SEC. 6. It shall be the duty of the Clerk, as soon as practicable after the passage of such order, to cause a notice thereof to be published in some newspaper printed and published in the city, and at any time within thirty days from the publication of such notice the owner or claimant of any lot or parcel of ground embraced therein may make the improvement or repairs required to be made by such order in front of or adjoining the premises of such owner or claimant; but such improvement or repairs shall be made in strict conformity to the requirements of this ordinance and to the requirements of such orders; and if thus made within the thirty days aforesaid, no further action of the Council as to the premises of such owner or claimant shall be based upon such order: *Provided, however,* That if such owner or claimant shall have, within said thirty days, made a *bona fide* commencement to do the work required, and shall be diligently prosecuting the same, the Council may, in its discretion, grant to such

owner or claimant further time for the completion thereof; but if such owner or claimant shall not, within said thirty days, have commenced to do the work required by such order, it shall be unlawful for him to do said work, or cause it to be done, or in any manner interfere with the person or persons who may be employed by the city to do the same: *And provided, further,* That if any such owner or claimant shall construct or cause to be constructed any sidewalk, or make any repairs thereon, in pursuance of any such order, either before or after the expiration of the said thirty days, and such improvement or repairs shall not be in accordance with the requirements of such order and the provisions of this ordinance, it shall be the duty of the person or persons who may be employed by the city to make such improvements or repairs to remove such sidewalk and construct a sidewalk instead thereof in strict accordance with such order and the provisions of this ordinance.

SEC. 7. If any owner or owners, or claimant or claimants, of any lot or lots, or other parcel or parcels of real estate, included or embraced in such order, shall not make the improvement or repairs required by such order within the thirty days aforesaid, then the Common Council shall cause such improvements or repairs to be made, under the direction of the Mayor and City Surveyor, within six months from and after the expiration of the thirty days aforesaid; and as soon as practicable after the completion of said work, the Mayor shall make to the Council a report in writing, apportioning the entire cost and expenses of making said improvement or repairs, among all the lots or parcels of real estate chargeable therewith, equally per front foot, setting forth the whole length of sidewalk made or repaired by the city under said order, the aggregate amount of the actual cost thereof, and the cost per front foot, and the amount chargeable to each separate lot or parcel of real estate, with the name of the owner

or claimant of each such lot or parcel, where the name of such owner or claimant is known; and if the name of such owner or claimant is unknown to the Mayor, the fact shall be stated in said report; and said report shall also contain a description of each separate lot or parcel of real estate charged with any portion of said cost and expense of making said improvement or repairs.

SEC. 8. The said report or apportionment, after being submitted to and approved by the Common Council, shall be recorded by the Clerk in the minute-book of the Council, and the Council shall thereupon pass an order assessing and charging against each lot or parcel of real estate the share or proportion of the cost and expenses of making such improvement or repairs with which such lot or parcel of real estate is chargeable under the provisions of this ordinance.

SEC. 9. If any owner or claimant of any lot or other parcel of real estate shall not within thirty days from and after the making of the assessment contemplated by the last preceding section pay the amount which may have been assessed against the lot or lots, or parcel or parcels of real estate, owned or claimed by him, it shall be the duty of the Mayor to issue a precept against such lot or parcel of real estate to the Collector of the city, which precept shall be signed by the Mayor, attested by the Clerk, and sealed with the corporate seal of the city; and after stating the fact that said assessment was made, and the amount thereof, and referring to the record thereof, and setting forth a description of the lot or other parcel of real estate so assessed, and the name of the owner or claimant thereof (if such name be known), shall command said Collector to sell and convey the lot or parcel of real estate therein described, or so much thereof as may be necessary for the payment of the amount so assessed and charged against the same; and said precept shall be returnable within forty days

from the date thereof, and the Collector shall in his return state his proceedings under the precept. A separate precept shall issue against each lot or other parcel of real estate; except where there is more than one lot or other parcel of real estate assessed to the same owner or claimant, and then all the lots or parcels assessed to the same owner or claimant shall be included in one precept.

SEC. 10. The premises mentioned in said precept shall be advertised in the same manner and for the same time, and said premises, or so much thereof as may be necessary, shall be sold in the same manner prescribed by the eighth section of an ordinance passed June 3, 1859, and entitled "An ordinance in relation to improvements and repairs on the streets and alleys of the city, and providing for the assessment and collection of the cost and expenses of such improvements and repairs, and for the sale and conveyance of real estate charged with any portion of said cost and expenses ;" and the Collector shall, in relation to such sale, do all the acts and perform all the duties mentioned or prescribed in the ninth section of the same ordinance, and the owner or claimant of any lot or parcel of real estate which may be sold under this ordinance, may redeem such premises on the same terms, in the same way, and within the same time prescribed by the tenth section of .said ordinance of June 3, 1859. The Treasurer shall, after the expiration of one year from the day on which any lot or parcel of real estate shall have been sold, under this ordinance ( if it shall not have been redeemed ), upon the delivery to him of the certificate of purchase, make, execute, acknowledge and deliver to the holder of such certificate of purchase a deed for the premises described in such certificate, which deed shall have the same force and effect, and be conclusive evidence of the same facts, as if the same had been made under the eleventh section of said ordinance of June 3, 1859, and said deed shall not be annulled or held invalid in any court, except upon proof of one or more of the three facts

required to be proved to annul or invalidate a deed made under the said eleventh section of said ordinance ; and it is hereby declared that all the provisions of the said eighth, ninth, tenth and eleventh sections of said ordinance of June 3, 1859, shall be as applicable to proceedings under this ordinance, as if the same were re-enacted as a part of this ordinance.

SEC. 11. Whenever a precept is issued under this ordinance, or under the said ordinance of June 3, 1859, the Clerk shall charge the Collector with the amount of such precept, and the Collector shall, whenever he makes any collections on any such precept, pay the same over to the Treasurer and take his receipt and file it with the Clerk, who shall give the Collector credit for the amount of such receipt.

SEC. 12. Whenever an order shall be passed directing a sidewalk of Class No. 1 to be made, and such order shall omit to state whether the curbing is to be of plank or of stone, such order shall not for that reason, be invalid, but the same shall be deemed and taken to be an order requiring plank curbing to be used.

SEC. 13. An ordinance passed September 13, 1859, entitled "An ordinance in relation to sidewalk improvements and repairs and providing for the assessment and collection of the cost and expenses of such improvements and repairs, and for the sale and conveyance of real estate charged with any portion of such cost and expenses," and an ordinance amending said ordinance, passed December 27, 1862, are hereby repealed, but all orders for sidewalks, improvements or repairs, now in force and not executed, and all proceedings pending or improvements commenced under any former ordinance now in force, shall be conducted and completed under the provisions of such former ordinances, which are for that purpose continued in force.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

AN ORDINANCE to amend the ordinances passed December 23d, 1865, and November 15th, 1869.

[PASSED APRIL 20, 1870.]

(Published and in force April 22, 1870.)

1. All sidewalks divided in four classes.
2. Class No. 1, how constructed ; curbing, how dressed, and dimensions.
3. Class No. 2, how constructed ; curbing of wood, material and dimensions.
4. Class No. 3, how constructed.
5. Class No. 4, how constructed.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That all sidewalks in the city shall be divided into four classes ; the first shall be designated as Class No. 1 ; the second shall be designated as Class No. 2 ; the third shall be designated as Class No. 3, and the fourth one as Class No. 4.

SEC. 2. All sidewalks of Class No. 1 shall be constructed of good, hard, well-burned bricks, laid in a bed of good sand, not less than three inches in depth, and covered with a sufficient quantity of good sand to fill the spaces between the bricks. The curbing to be of stone, not less than six inches thick by at least twenty inches deep, with a base equal to three-fourths of the top, dressed square to the depth of at least six inches on each end, firmly set, closely adjoining each other, with even surface at the top, and dressed four inches from the top on the side next to the gutter, and three inches from the top on the side next to the pavement, and no stone to be less than three feet in length.

SEC. 3. All sidewalks of Class No. 2 shall be constructed in the manner prescribed for Class No. 1, except that the curbing shall be of good, sound white oak, not less than two and a half inches thick, nor less than twelve inches wide, and shall be well secured to good, sound white oak posts, not less than four inches square, set two feet in the ground, anchored at the bottom by spiking a piece of good, sound oak plank, one and a

half inches thick by six inches in width and twelve inches in length; the posts to be not more than six feet apart. All sidewalks of Class Nos. 1 and 2 shall have a raise or inclination from the curb of half an inch to the foot. The outside of the curbing of all sidewalks shall be placed from the building lines of streets as follows: On Main and Water streets, twelve feet; on Fulton avenue and Franklin street, fifteen feet; on streets that are eighty feet wide, twelve feet; and on all other streets, ten feet, except streets less than sixty feet in width, in which cases the outside of the curb shall be only eight feet from the building line.

SEC. 4. All sidewalks of Class No. 3, shall be constructed as prescribed for Class No. 2, except that they shall be of the width of five feet from the curb inwardly.

SEC. 5. All sidewalks of Class No. 4 shall be constructed of good, sound two-inch oak, pine, poplar or hemlock plank, square edged, four feet in width, laid down upon and safely secured to good, sound oak cross-ties, not less than four inches square, and to be not more than four feet apart, placed as nearly as practicable in the middle of the space allotted for sidewalks.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

AN ORDINANCE concerning the payment of the revenues of the city into the city treasury, and relative to the duties of certain officers therein mentioned.

[PASSED MAY 21, 1853.]

(Published and in force May 25, 1853.)

1. Revenue to be paid into city treasury in same kind of funds in which it was received.
2. Receipt to be given, contents thereof, and when and where to be filed. Clerk to give quietus and charge the Treasurer.
3. Collector to make and file with Treasurer monthly reports and make monthly payments.
4. Treasurer to deposit city funds. Treasurer to account for interest allowed him on such funds.
5. License money to be paid directly into treasury. Receipt to be filed with Clerk. Receipt must state whether paid in money or orders.
6. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That all the revenues of the city, derived from any source whatever, which may be collected by any officer of the city, shall be paid by such officer into the city treasury in the same kind of funds in which the collection was made, that is, all sums collected in money shall be paid in money, and all sums collected in city orders shall be paid in city orders.

SEC. 2. Whenever any officer of the city shall pay any sum into the city treasury, the Treasurer shall give him a receipt, setting forth the date of the payment, and on what account it was collected and paid, and the proportion or amount of money and city orders received, and, the officer obtaining such receipt shall, within three days thereafter, file said receipt with the Clerk, who shall give the officer filing such receipt a written acknowledgment thereof, and the Clerk shall thereupon charge the Treasurer with the amount of such receipt, setting forth the proportions of cash and city orders as stated in such receipt.

SEC. 3. It shall be the duty of the Collector of said city, on the first Monday of every month hereafter, to make and file with the Treasurer of said city a report in writing,

setting forth the amount of revenue received or collected during the preceding month, on what account the same was received, and what proportion thereof was received in money, and what amount in city orders, and the said Collector shall at the same time pay the amount thus reported to the city Treasurer, and take and file his receipt with the City Clerk, as required by the second section of this ordinance.

SEC. 4. Whenever the Treasurer shall hereafter receive any money in his official capacity, or belonging to the city, amounting to fifty dollars or upwards, he shall, unless otherwise directed by the Common Council, deposit the same with the Evansville Insurance Company, payable on call, with such interest as said company may allow on such deposits, and the Treasurer, upon his final settlement with the Common Council, shall account for the interest which may accrue and be received by him on all such deposits:

SEC. 5. That all the revenue of the city derived from licenses of every kind shall be paid directly into the city treasury by the persons applying for license, and the receipt of the Treasurer shall be filed by the person to whom it is given with the City Clerk, who shall thereupon issue the proper license and charge the Treasurer with the amount thereof, and the Treasurer shall in all receipts for licenses state whether the amount was paid in money or orders.

SEC. 6. Should any officer of the city violate any provision of this ordinance, or fail to perform any duty hereby required of him, he shall for every such violation or failure forfeit and pay not less than five nor more than fifty dollars.

JOHN S. HOPKINS, Mayor.

Attest: GEO. H. TODD, Clerk.

AN ORDINANCE prescribing rules for the government of the Common Council.

[PASSED DECEMBER 26, 1859.]

(Published and in force December 29, 1859.)

1. Annual meetings; stated meetings.  
Mayor or two members may send for absent Councilmen.
2. Questions of order, how decided.
3. Mayor shall preserve order.  
When and how member may be called to order.
4. Member must vote unless interested or excused.
5. Motion must be in writing, if required.
6. When motion may be withdrawn.
7. When division may be called.
8. Member to address the Chair.
9. Member shall not speak more than twice, &c.
10. Motion to adjourn, when in order.
11. Division of the question.
12. Yeas and nays.
13. Filling blanks.
14. Committees, how appointed.
15. Member may leave Council, how.
16. Personalities, &c., prohibited.
17. Member shall not vote when interested.
18. Ordinances, how passed.
19. Of privileged motions.
20. The previous question, how called.
21. Order of business.  
Fine for non-attendance.  
Rules, how altered and suspended.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the annual meeting of the Council shall be held on the second Monday in March in every year, and the stated meetings at such times as may from time to time be fixed upon by resolution or order of Council; and the following shall be the standing rules of the Council, for the preservation of order and the dispatch of business:

RULE 1. The Mayor shall take the chair at the hour appointed for the meeting of the Council, and shall immediately call the members to order, and may, at the request of any two members present, order the attendance of any absent member, and in the absence of the

Mayor, any two Councilmen may order the attendance of absentees.

RULE 2. The Mayor shall decide all questions of order, subject to an appeal to the Council.

RULE 3. The Mayor shall preserve order, and if any member transgress the rules of the Council, the Mayor shall, or any member may, call him to order, in which case the member called to order shall immediately sit down and be silent, unless permitted to explain, and the Council, if appealed to, shall decide the matter; if there be no appeal to the Council, it shall be decided by the Mayor; but in either case without debate.

RULE 4. Every member present when a question is put shall vote, unless interested or excused by the Council.

RULE 5. Every motion or proposition shall, if the Mayor or any member require it, be reduced to writing.

RULE 6. Any motion or resolution may be withdrawn by the mover, at any time before amendment or decision.

RULE 7. In all cases where it is doubtful whether a motion has prevailed, the Mayor may direct, or any member may call for, a division.

RULE 8. When a member is about to speak, he shall rise and address himself to the Mayor, and the Mayor shall announce the name of the member entitled to the floor.

RULE 9. No member shall be allowed to speak more than twice at the same meeting, on any one question, without leave of Council.

RULE 10. A motion to adjourn shall always be in order, except when a member is addressing the Council, or the Council is engaged in voting; and the motion to adjourn shall be decided without debate.

RULE 11. Any member may call for a division of the question when the same shall admit of it.

RULE 12. The yeas and nays shall be taken and recorded upon any question before the Council, upon the call of any two members..

RULE 13. In filling blanks, the question on the largest sum and most distant date shall be put first.

RULE 14. All committees shall be appointed by the Mayor, unless otherwise directed by the Council at the time.

RULE 15. No member shall leave the Council while it is in session, without the consent of the Mayor.

RULE 16. No personalities, or reflections injurious to the feelings of any member of the Council, shall be indulged in.

RULE 17. No member of the Council shall vote when personally interested in the question before the Council.

RULE 18. Every ordinance shall receive at least two several readings, and no ordinance shall be finally passed at the same session of Council at which it was first read, unless the Council shall by a vote of two-thirds of the members present suspend this rule for that special purpose.

RULE 19. No business regularly before the Council shall be interrupted except by a motion

For adjournment;

For the previous question (namely, "Shall the main question be now put?");

For postponement;

For commitment; or

For amendment.

RULE 20. The previous question shall not be moved by less than three members, and shall be determined without debate; but when the previous question has been called and sustained, it shall not cut off any pending amendments, but the vote shall be taken without debate on the amendments in their order, and then on the main question.

RULE 21. The following shall be the established order of business, at the regular meetings of the Council, viz :

I. Reading and amendment of the minutes of the preceding meeting.

II. Unfinished business.

III. Presentation and allowance of accounts.

IV. Presentation of petitions and remonstrances.

- V. First reading of ordinances.
- VI. Second reading and action on ordinances.
- VII. Resolutions.
- VIII. Appointment of committees.
- IX. Reports of committees.
- X. Miscellaneous business.

SEC. 2. If the Mayor or any Councilman shall absent himself from any regular or called meeting of the Council without being able to render a satisfactory excuse to the Council, such Mayor or Councilman shall forfeit and pay any sum not exceeding five dollars.

SEC. 3. None of the foregoing rules shall be altered or suspended except by a vote of two-thirds of the members present at any meeting of the Council.

SEC. 4. All ordinances or parts of ordinances in relation to rules for the government of the Common Council heretofore passed and now in force are hereby repealed.

W. BAKER, Mayor,

Attest: P. BURKE, Clerk.

**AN ORDINANCE concerning City Scales, and defining the duties of Weigh-masters.**

[PASSED FEBRUARY 18, 1860.]

(Published and in force February 23, 1860.)

1. Weigh-master, his election, bond and oath.
2. Duties of Weigh-master.
3. To make monthly payments.
4. Hay must not be purchased or sold without being weighed.
5. Weigh-master may be removed.
6. Penalty.

*SECTION 1. Be it ordained by the Common Council of the City of Evansville, That annually hereafter, at the first meeting of the Council after the first Monday in April, or as soon thereafter as practicable, the Common Council shall elect one person as Weigh-master for each of*

the public scales of the city; and the persons so elected shall, before they enter upon the discharge of their duties, severally give bond to said city, in such sum as may be fixed by the Council, and with such security as the Council may approve, and they shall also severally take and subscribe an oath of office, which shall be indorsed on or annexed to, said bond.

SEC. 2. Each of the public scales of the city shall be in charge of the person elected as Weigh-master for such scales, and said Weigh-master shall keep the same in good order and repair. He shall weigh all hay, straw, and fodder, or produce or other property, which may be brought to the scales for that purpose, and when the same is in or upon any wagon or other vehicle, he shall take down the gross weight of said vehicle and contents and when such vehicle shall have been unloaded of its contents and returned to said scales, said Weigh-master shall weigh the same, and deduct the weight thereof from the whole weight of such vehicle and contents, and shall give the person procuring the same to be weighed a certificate thereof, upon the payment by such person of twenty-five cents for each load or part of a load weighed.

SEC. 3. Every Weigh-master of the city of Evansville shall pay over to the city Treasurer, on or before the first Monday in every month, all the money belonging to the city which may have come into his hands during the preceding month, and he shall immediately file with the Clerk the Treasurer's receipt for the same.

SEC. 4. It shall not be lawful for any person or persons to buy or sell within the limits of the city, or to deliver or receive any hay, except pressed or baled hay, without having the same weighed on some one of the public scales of the city.

SEC. 5. The Common Council may at any time, at their discretion, remove any Weigh-master, and appoint another in his stead.

SEC. 6. Any person or persons who shall neglect any of the duties prescribed by, or violate any of the provisions of this ordinance, shall, for every such neglect or violation, forfeit not less than one dollar nor more than twenty dollars.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE concerning fees and salaries.

[PASSED MAY 31, 1847.]

(Published and in force June 3, 1847.)

SECTION 1. Repealed.

SECTION 2. *Be it ordained by the Common Council of the City of Evansville,* That the City Clerk shall be allowed the following fees, in addition to his per annum salary:

For issuing each license required by any ordinance of the city, fifty cents.

For each deed made under any ordinance of the city or provision of the city charter, one dollar.

For every certificate under the seal of the city (except when called for by the Council), fifty cents.

For every transcript of any ordinance, by-law, order, rule, or proceeding of the Council, and for every precept, for every one hundred words, twelve and a half cents.

For entering any transfer of any tax certificate or dray, twenty cents; and in all other cases when the City Clerk shall render services for any individual, he shall be allowed the same fee that is allowed to the Clerk of the Circuit Court for similar services.

SEC. 3 and 4 repealed.

L. L. LAYCOCK, President *pro tem.*

Attest: JOHN J. CHANDLER, Clerk.

AN ORDINANCE concerning the duties and salaries of the Mayor, Recorder, Collector, Marshal, Wharf-master, Market-master, Treasurer, Clerk and appointees of the city of Evansville.

[PASSED MAY 31, 1869.]

1. Duty of officers to pay money over to the Treasurer weekly, and file receipt with the Clerk.
2. The Treasurer shall file statement with the Clerk monthly.
3. The Clerk shall make a statement to the Council quarterly.
4. The Clerk shall report the accounts of officers, for allowance, monthly.
5. Office hours of the Mayor.
6. Salaries of Mayor, Clerk, &c.
7. Number of firemen and their pay.
8. Number of police and their pay; other officers and their pay.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the Mayor, Recorder, Collector, Marshal, Wharf-masters, Market-masters and Weigh-masters, shall each and every one of them pay over weekly to the City Treasurer, all moneys and city orders received during the week on account of the city, and take the Treasurer's receipt therefor, which receipt shall be immediately filed with the City Clerk.

SEC. 2. The Treasurer shall, on the last secular day of every month, make out and file with the City Clerk, for the use and inspection of the Common Council, a full and complete report, showing the amount in money and the amount in city orders received during the month; on what account and from whom received; the amount of disbursements made during the month; on what account and to whom the disbursements have been made; and also the amount in money and amount of city orders remaining in the treasury.

SEC. 3. The City Clerk shall, on the first Monday in June, September, December and March of every year, make out and submit to the Common Council a full and complete statement of the financial condition of the city.

SEC. 4. The City Clerk shall, on the first Monday in every month, make out and report to the Council, for allowance, the accounts of the officers of the city and the appointees of the Council, for the preceding month.

SEC. 5. The Mayor shall attend at his office from 9 o'clock A. M. to 12 M., and from 2 o'clock P. M. to 4 P. M. of every secular day, unless absent therefrom in the discharge of official duties or by reason of sickness.

SEC. 6. That there shall be allowed to the several officers of the city, and appointees of the Common Council of the city, hereinafter mentioned, the following annual salaries, to be paid monthly :

To the Mayor, per year.....	\$2,000 00
" Clerk, per year.....	1,500 00
" Deputy Clerk, per year.....	500 00
" Marshal, per year .....	1,000 00
" Treasurer, per year.....	1,000 00
" To the Chief of Police, per day.....	2 50
" Chief of the Fire Departmet, per year.....	500 00
" Engineer of Engine No. 1, per year.....	1,200 00
" Engineer of Engine No. 2,     " .....	1,200 00
" Engineer of Engine No. 3,     " .....	1,200 00

SEC. 7. There shall be twenty-one Firemen, each of whom shall receive one hundred and fifty dollars per annum, to be paid in quarter yearly installments of thirty-seven and one-half dollars, at the expiration of each quarter: and at least one of the Firemen shall be constantly in attendance on each engine.

SEC. 8. There shall be fourteen regular night and day police, each of whom shall receive \$2.00 per day, to be paid in monthly installments at the expiration of each month. One Street Superintendent, who shall receive \$3.00 per day. One Wharf-master (night) \$60 per month. One Wharf-master (day) \$50 per month.

Upper Weigh-master, \$300 per annum.

Upper Market-master, \$300 per annum.

Lower Market and Weigh-master, \$300 per annum.

For hauling Engine No. 1, and Hose Reel, \$75 per month.

For hauling Engine No. 2 and Hose Reel, \$50 per month.

For hauling Engine No. 3 and Hose Reel, \$75 per month.

The salary of the Lamp-lighter shall be fixed at \$65 per month.

The salary of the city Surveyor shall be fixed at \$5 per day, and \$2 per day for assistants, the amount to be allowed each when actually employed.

Wm. H. WALKER, Mayor.

Attest . A. M. McGRIFF, Clerk.

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AN ORDINANCE concerning Shows, Exhibitions, &c.

[ PASSED APRIL 30, 1859.]

(Published and in force May 17, 1859.)

1. Exhibitions not allowed without license.
2. Price of license.
3. How procured.
4. Sunday performances prohibited.
5. Penalty for exhibiting without license.
6. Penalty for Sunday exhibitions.
7. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any caravan, animal, menagerie, or other collection of animals, or show of any figures or other work of art, any circus, theater, museum or other show, exhibition or amusement to be shown, exhibited or performed within the limits of the city, or in or upon any wharf-boat, flat-boat, store-boat, steamboat or other water craft lying in the canal within the city, or on the Ohio River in front of the city, or between the city and the middle of the river, until a license so to do has first been obtained according to the provisions of this ordinance.

SEC. 2. That the price of such license shall be as follows, viz: For any circus, caravan or menagerie, not less than fifty dollars nor more than one hundred dollars, for each day such circus, caravan or menagerie is shown or performed, at the discretion of the Mayor, and in his absence the Treasurer, and in the absence of both Mayor and

Treasurer, then in the discretion of any two of the Councilmen, and for any animal, or show of any figures or other work of art, any theater, museum, or other show, exhibition or amusement, not less than three dollars nor more than twenty dollars for each day such animal, or show of any figures or other work of art, theater, museum, or other show, exhibition or amusement is shown or performed, at the discretion of the Mayor, and in his absence, of the Treasurer, and in the absence of both Mayor and Treasurer, then of any two of the Councilmen.

SEC. 3. Any person who may wish to obtain a license under this ordinance shall pay the price thereof to the city Treasurer, and take his receipt therefor, which he shall deposit with the Clerk, who shall thereupon make out and attest such license, which, after being signed by the Mayor, Treasurer or Councilmen fixing the rate of such license, shall be delivered to the applicant.

SEC. 4. It shall be unlawful for any caravan, animal, menagerie, or other collection of animals, or show of any figures or other work of art, any circus, theater, museum or other show, exhibition or amusement to be shown, exhibited or performed within the limits of the city, or in or upon any wharf-boat, flat-boat, store-boat, steamboat or other water craft, lying in the canal within the city, or in the Ohio river in front of the city, and between the city and the middle of the river, on the first day of the week commonly called Sunday.

SEC. 5. Should any person or persons exhibit or perform, or aid or assist, or in any way or manner participate in the show, exhibition, or performance of any caravan, animal menagerie or other collection of animals, or show of any figures or other work of art, any circus, theater, museum, or other show, performance or exhibition for which a license is required by any of the provisions of this ordinance, without having previously procured a license so to do, such person or persons shall for each and every such offense forfeit and pay not less than six dollars nor more than forty dollars, except in the case of any cir-

cus or menagerie, in which case the fine shall be not less than one hundred dollars nor more than two hundred dollars.

SEC. 6. Any person or persons violating the provisions of the fourth section of this ordinance, or aiding or assisting, or in any way or manner participating in such violation, shall forfeit and pay not less than ten dollars nor more than two hundred dollars.

SEC. 7. An ordinance entitled "An ordinance concerning shows, exhibitions, &c.," passed April 24, 1847; and an ordinance entitled "An ordinance amending an ordinance concerning shows, exhibitions, &c.," passed July 15, 1848; and the second section of an ordinance entitled "An ordinance concerning wharf-boats and other water-crafts," passed April 24, 1847, be and the same are hereby repealed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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A SUPPLEMENT to an ordinance passed August 30, 1859, entitled "An Ordinance concerning shows, exhibitions, &c."

[PASSED MARCH 19, 1866.]

(Published and in force March 21, 1866.)

1. Theater or museum license.
2. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That hereafter the price to be charged for a license for a theatre or museum shall be as follows, viz: For three months, the sum of fifty dollars; for six months, the sum of seventy-five dollars; and for one year, the sum of one hundred dollars—in all cases payable in advance; and for any length of time less than three months, the price of such license shall remain as fixed and provided by the ordinance to which this is a supplement.

SEC. 2. That an ordinance passed December 26, 1864, entitled "A Supplement to an ordinance passed August 30, 1859, entitled 'An Ordinance concerning shows, exhibitions, &c.,'" be, and the same is hereby repealed.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE concerning signs, awnings, and cellar-doors.

[PASSED MAY 15, 1847.]

(Published and in force May 25, 1847.)

1. Signs must not project over sidewalk; penalty.
2. Certain signs must be taken down; penalty.
3. Awnings, &c., prohibited.  
Certain awnings must be removed.
4. Awning-posts, &c., how constructed.
5. Cellar-doors on sidewalks, how to be constructed.  
Cellar-doors otherwise constructed to be changed; penalty.
6. Cellar-doors to be kept in good order.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall be unlawful for any person or persons to put up any sign so that it will project from the building, post, or other thing to which it may be attached over any sidewalk or part of any sidewalk within the city: *Provided,* That this section shall not apply, during daylight, to the three feet of the sidewalk next to any building; and every person violating the provisions of this section shall for every offense forfeit and pay five dollars, and for each day such sign shall remain up contrary to this ordinance, one dollar.

SEC. 2. Every sign which is now up, and projecting over any sidewalk or part of any sidewalk, shall be taken down within forty-eight hours after a written notice to the owner or occupant, from the Marshal, so to do; and should any such person or persons fail, neglect, or refuse to take down any such sign within the time

limited, after such notice, such person or persons so failing, neglecting, or refusing shall, for each day he, she, or they shall so fail, neglect or refuse, pay one dollar.

SEC. 3. Hereafter no wooden awning or shed shall be put up over any sidewalk or part of any sidewalk within the city, nor shall any such awning or shed now up and projecting over any sidewalk or part of any sidewalk be suffered to remain; and it shall be the duty of the Marshal to notify, in writing, the occupier or occupiers of the premises in front of or beside which there is any such wooden awning or shed, to remove the same within fourteen days; and should any person or persons so put up any such awning or shed, or fail, neglect, or refuse to remove any such awning or shed now up, after notice to remove the same, given as aforesaid, and within the time hereinbefore limited, such person or persons shall forfeit and pay not less than one nor more than ten dollars; and for each day such shed or awning is suffered to remain after the same is so put up, or after notice given as aforesaid to remove such shed or awning now up, one dollar.

SEC. 4. The awning posts and rail of all cloth awnings, as well those now up as those hereafter to be put up, shall be at the outer edge of the sidewalk, at least seven feet above the level of the sidewalk; and if any person or persons shall put up any such awning, or suffer any awning to remain which is now up, contrary to the provisions of this ordinance, he or they shall forfeit and pay five dollars, and for each day such awning is suffered to remain up contrary to this ordinance, one dollar.

SEC. 5. It shall not be lawful for the owner or owners, occupier or occupiers of any lot or part of any lot in the city, to construct or suffer to be constructed, any cellar-door or doors in or upon any sidewalk in front of or adjoining any such lot or part of lot, unless the frame of such cellar-door or doors shall be level with the surface of such sidewalk; and it shall be the duty of the

owner or owners, occupier or occupiers of any such lot or part of lot to cause the frame of any cellar-door or doors which have already been constructed or put up, and which is more than two inches above the level of the sidewalk in front of or adjoining such lot or part of lot, to be made level with the surface of such sidewalk within twenty days after notice in writing from the Marshal so to do; and if the same is not done within the time herein limited, and after such notice, the person or persons failing, neglecting, or refusing to have the same done according to the requirements of this section, shall forfeit and pay one dollar for each day the same remains undone. And should any person or persons construct any cellar-door or doors contrary to the provisions of this ordinance, such person or persons shall forfeit and pay six dollars, and for each day the same is suffered to remain, one dollar.

SEC. 6. Every cellar-door now constructed or hereafter to be constructed upon any sidewalk shall be kept in good order and repair, and sufficiently strong to bear any burden likely to be placed thereon, and such cellar-door or doors shall be closed and kept closed after nightfall.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

**AN ORDINANCE** amendatory of an ordinance entitled "An ordinance concerning signs, awnings and cellar-doors," passed May 15, 1847.

[PASSED DECEMBER 29, 1849.]

(Published and in force January 5, 1850.)

1. Cellar-doors on sidewalk prohibited.
2. Certain cellar-doors must be kept closed at night.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That it shall not be lawful hereafter for the owner or owners, occupier or occupiers of any lot or part of lot in the city to construct or suffer to be constructed any cellar-door or doors in or upon any sidewalk, in front of or adjoining any such lot or part of lot, and any person or persons who shall violate this section shall forfeit and pay six dollars therefor, and one dollar in addition for every day he, she or they shall suffer any such cellar-door to remain, after notice, as provided in the fifth section of the ordinance of which this is an amendment.

**SEC. 2.** That any person or persons who shall permit any cellar-door situated in the sidewalk in front of or adjoining any lot or part of lot in the city, occupied by such person or persons, to remain or be open after night-fall, shall forfeit and pay for every such offense the sum of five dollars.

JAMES G. JONES, Mayor.

Attest: JOHN J. CHANDLER, Clerk.

AN ORDINANCE relating to markets and market-houses, defining the duties of Market-master, and repealing certain ordinances.

[PASSED DECEMBER 26, 1859.]

(Published and in force December 29, 1859.)

1. Market-places of the city.
2. Market-houses—no sales to be made previous to the opening of the market.  
Forestalling and regrating prohibited.  
No article remaining in market to be deemed sold.
3. Market-masters to be elected.
4. Duty of Market-masters.
5. Market-masters to sell stalls, and pay money into treasury.
6. Certain articles to be of specified weight; penalty.
7. Market-master to examine certain articles.
8. Penalty for imposition in weight or measure.
9. Sale of unsound or spoiled provisions prohibited.
10. Butchers to keep stalls supplied with meats; penalty.
11. Stalls, &c., to be kept clean.
12. Horses and vehicles to be placed as directed by Market-master.
13. Market-master may be removed.
14. Dogs not permitted in market.
15. Penalty.
16. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That Fourth street, between Locust street and Oak street, and the market-house, market-stands, and other improvements thereon erected, or which may be hereafter thereon erected, shall be known as the “Upper Market;” and Market street, between Ingle street and Bond street, and the market-house and other improvements now or hereafter to be thereon erected, shall be known as the “Central Market;” and that said markets shall be hereafter used as the market-places of the city of Evansville, for the sale and purchase of provisions, vegetables, and other articles necessary for the subsistence, comfort, and convenience of the inhabitants of said city, subject to the following and such other rules and regulations as may hereafter be adopted by the Common Council.

SEC. 2. Said markets shall be opened and kept open during such days or parts of days in every week as the

Common Council may from time to time fix upon and direct; and it shall not be lawful for any person or persons to purchase or sell, or to make any contract or agreement for the purchase or sale of any meat, vegetables, or other provisions or marketing, at either of said markets, previous to the opening of the same by the Market-master; nor shall it be lawful for any person or persons to purchase any article or articles at either of said markets, during market hours, for exportation or re-selling, nor shall any person or persons sell or offer for sale at either of said markets any article or articles which such person or persons may have purchased or forestalled, at any place, while on the way to, or designed or intended for, either of said markets; and no article or articles brought to either of said markets shall be deemed or considered as sold until the same shall have been delivered to the purchaser; and it shall be the duty of all persons attending either of said markets with provisions or articles of marketing for sale to sell and deliver to any person or persons desiring the same a reasonable quantity of any such provisions or marketing brought by them to either of said markets, and not previously sold and actually delivered to the purchaser thereof.

SEC. 3. It shall be the duty of the Common Council annually, at the first meeting of the Council after the first Monday in April, or as soon thereafter as practicable, to elect a Market-master for each of said markets, who shall hold their offices respectively until the first Monday in April next ensuing, and until their successors are elected and qualified.

SEC. 4. It shall be the duty of said Market-masters to superintend their respective markets, and to keep them thoroughly cleansed and in good order, and to report to the Council such repairs, improvements and alterations in or about such markets as they may deem necessary; they shall, at the hour fixed upon by the Council for opening the said markets on market days, open the same, and be in constant attendance and preserve good

order during market hours; they shall see that no imposition is practiced by the seller upon the buyer, or the buyer upon the seller, and they shall have power at all times to order suspicious persons, and idle or disorderly boys, to leave said markets.

SEC. 5. It shall be the duty of said Market-masters respectively, at such times as the Common Council may appoint, to expose to sale the stalls and stands in said markets and market-houses, for such length of time, and on such terms and conditions as the Council may prescribe; and the money arising from such sales, and all other funds belonging to the city which may be received by said Market-masters, shall be paid over to the city Treasurer, and his receipt therefor deposited with the Clerk.

SEC. 6. It shall not be lawful for any person to sell, or offer or expose for sale, at either of said markets, any butter in lumps or rolls, unless each of said lumps or rolls be of some specified weight, and if any person shall sell or offer or exhibit as for sale, any such lumps or rolls at either of said markets, and on examination the same shall fall short of such specified weight, such lumps or rolls shall be forfeited to the city.

SEC. 7. It shall be the duty of said Market-masters respectively, whenever they may suspect or be informed that any butter or other article of provisions or marketing, offered or exhibited for sale at either of said markets, and purporting to be of a specified weight or quantity, is deficient in weight or measure, to try the same, and if upon such trial it should prove to be deficient in weight or measure, they shall seize the same for the benefit of the city, and sell it forthwith at public outcry at said market to the highest bidder.

SEC. 8. If any person or persons shall sell any meat, or any other article or articles by weight or measure, at either of said markets, and such meat or other articles shall not be fully of the weight or quantity sold and

paid for, such person or persons shall forfeit and pay for every such offense the penalty prescribed by the fifteenth section of this ordinance.

SEC. 9. It shall not be lawful for any person to sell or offer to sell, or to expose or exhibit as for sale at either of said markets or elsewhere in the city, any unwholesome, damaged or spoiled meat, vegetables or other provisions of any description or kind whatever.

SEC. 10. If any person or persons shall rent or lease any butcher stall or stalls in either of said markets, and shall fail or neglect to supply such stall or stalls with good fresh meats, on the regular market days, and during the regular market hours, for two weeks in succession, such stall or stalls shall revert to the city, and may be disposed of to other persons: *Provided*, That if any reasonable excuse can be given for such neglect or failure, the Council may continue such person in the possession of such stall or stalls: *And provided*, That after such failure or neglect, at least one week shall be allowed such person to render such excuse.

SEC. 11. It shall be the duty of every butcher or other person selling meat at either of said markets, to scrape and cleanse the blocks, benches, shelves and hooks used by him and prevent the same from becoming foul or offensive.

SEC. 12. It shall not be lawful for any person or persons to permit or allow any cart, wagon, dray or other vehicle, or any horse or other animal, to remain in the street, or space or spaces in front of, or around either of said markets during market hours, except such vehicles and animals as may be employed in bringing provisions or other articles to or from said markets, which animals and vehicles shall, while they remain at either of said markets, be under the direction of the Market-master; and the owners or persons having charge of such vehicles and animals respectively, shall place and arrange the same as the Market-master may direct.

SEC. 13. The Common Council may at any time, at their discretion, remove any Market-master and appoint another in his stead.

SEC. 14. No dogs shall be permitted or allowed to come to either of said markets during market hours, unless the owner or person having charge of such dog or dogs shall tie or otherwise confine such dog or dogs in such a position as to be out of the way of all persons attending said markets, and any dog found at either of said markets, during market hours, and not tied or confined as herein provided, may be killed by the Market-master or Marshal of the city.

SEC. 15. Every person who shall neglect any of the duties prescribed by, or violate any of the provisions of this ordinance, shall, for every such offense, forfeit and pay not less than one dollar nor more than fifty dollars.

SEC. 16. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to provide for the leasing of butchers' stalls in the Upper Market-house, situated on Fourth street, between Locust and Walnut streets.

[PASSED JULY 26, 1859.]

(Published and in force July 27, 1859.)

1. Butcher stalls how leased.
2. Price, terms and conditions of lease.
3. Lease, how executed.
4. Annual rent, how and when assessed.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the butchers' stalls in said market-house shall be leased for any period not exceeding ten years from the first day of August, 1859, and that the present occupant of each stall shall, if he desires it, have a lease on such stall under this ordinance in preference to all other persons.

SEC. 2. The lessee of every such stall shall annually, during his term, and on or before the first day of August of each year, pay to the city such rent for said stall as the Council shall from year to year assess thereon, and a failure to pay said rent for ten days after it becomes due, or a failure on the part of the lessee to conform to and comply with such rules, regulations and ordinances as the Council may from time to time adopt in relation to markets, or in relation to said market-house, shall give the Council the right, at their option, to declare the lease forfeited, and re-let the stall for the unexpired portion of the term; and should said market-house be destroyed or removed, or cease to be used as a market-house, either by the act of the Council or otherwise, then and from thenceforth the said lease shall be null and void, and the lessee shall only be charged with the rent of his stall in proportion to the time of his occupancy thereof.

SEC. 3. Every lease made under this ordinance shall be executed by the Mayor for and on behalf of the city,

and shall contain a statement that it is made subject to all the provisions of this ordinance, and binding the lessee to conform to and abide by said provisions.

SEC. 4. The rental of the stalls shall be assessed annually by the Council on the last Monday in July of each year, or as soon thereafter as practicable, to take effect from and after the first day of August.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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**AN ORDINANCE** in relation to the markets and market-places of the City of Evansville.

[PASSED MAY 10, 1862.]

(Published and force May 14, 1862.)

1. Venders at markets must rent stall, or pay fee for use of market. Penalty.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That hereafter, any person or persons vending or offering to vend any meat, vegetables, provisions or other article or articles, at either of the markets or market-places within the city of Evansville, without first having rented or leased a stand or stall in such market or market-place, and refusing to pay to the Market-master the sum or fee fixed by the Common Council to be paid by such venders as do not rent or lease stands or stalls, shall forfeit and pay for every such offense any sum not exceeding five dollars.

WILLIAM BAKER, Mayor.

Attest: P. BURKE, Clerk.

**AN ORDINANCE** in relation to the sale of meat at the Market or Market-places of the City of Evansville.

[ PASSED SEPTEMBER 23, 1867.]

1. Rent to be paid unless the seller has a stand.
2. Penalty.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That any person or persons who may hereafter sell, or offer to sell, any meat, except salted meat, at or in either of the markets or market-places of the city of Evansville, not having a meat stand or stall in such market, leased or rented from said city, shall be required to pay to the Market-master one dollar and fifty cents, stand and stall rent, for every market morning such person or persons may sell or offer to sell any meat, as aforesaid.

**SEC. 2.** Any person or persons, except lessees or renters of meat stands or stalls, selling or offering to sell any meat at either of said markets or market-places, and refusing to pay, on demand, the stall rent required by this ordinance, shall, on conviction, forfeit and pay not less than five, nor more than ten dollars.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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**AN ORDINANCE** to prevent paupers and other indigent persons from being brought into and left within the City of Evansville, and fixing a penalty for such offense.

[ PASSED DECEMBER 30, 1867.]

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That hereafter it shall be unlawful for any person or persons to bring into and leave within the city of Evansville any pauper or other indigent person,

without other means than alms, or public provision for support.

SEC. 2. That hereafter it shall be unlawful for any owner, master, clerk, mate, or other officer or employee of any steamboat on the Ohio river, to permit any such pauper or indigent person, as aforesaid, to be landed from their steamer at or on the wharf of the city of Evansville, and any officer or employee of any such steamboat, violating this ordinance, it shall be presumed to be done by permission of the officer or person in command of such steamboat.

SEC. 3. Any person or persons violating or offending against any provision or provisions of this ordinance shall, for every such offense, forfeit and pay any sum not exceeding fifty dollars ; and each pauper or indigent person, as aforesaid, brought into and left or landed as aforesaid, shall constitute a separate offense.

WILLIAM BAKER, Mayor,

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE repealing an ordinance passed on the 15th day of November, A. D. 1869, entitled "An ordinance in relation to the Oak Hill and Locust Hill Cemeteries," and substituting therefor the appointment of new Trustees to govern said Cemeteries.

[PASSED AUGUST 29, 1870.]

1. Repeal of ordinances in conflict with title.
2. Appointment of Board of Trustees; and designating their term of office.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville, That any ordinance in conflict with the title of this ordinance be, and the same is hereby repealed.*

SEC. 2. *Resolved, That Hiram E. Read is hereby appointed a Trustee for the Cemeteries above named, to serve for a term of three years, and Dr. Hiram W. Cloud is appointed a Trustee of above named Ceme-*

teries, to serve for a term of two years, and William Heilman is appointed a Trustee to serve for a term of one year, and all of said Trustees are to be governed by such rules and regulations to be adopted hereafter; and it is hereby ordained that the said Hiram E. Read shall act as Trustee of said Cemeteries, for a term of three years, and Hiram W. Cloud for a term of two years, and William Heilman for one year, or until their successors are appointed and qualified; and on the 10th day of September of each year, there shall be selected and elected one Trustee to serve a term of three years.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE supplementary to an ordinance passed August 29, 1870, entitled "An Ordinance repealing an ordinance passed on the 15th day of November, A. D. 1869, entitled 'An Ordinance in relation to the Oak and Locust Hill Cemeteries,' and substituting therefor the appointment of new Trustees to govern said cemeteries."

[PASSED MARCH 13, 1871.]

(Published March 15, 1870.)

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the duties and authority of the Trustees constituted by the ordinance of which this is explanatory, shall be as follows, viz:

*First,* To assume and have the management and care of said cemeteries.

*Second,* To have the direction and control of all expenditures made on account of said cemeteries.

*Third,* To recommend to the Council from time to time the name or names of a person or persons suitable to be appointed as sexton of said cemeteries.

*Fourth,* To recommend to the Council, for adoption, such rules and regulations as may in the opinion of the Board be suitable for the government of said cemeteries.

*Fifth,* To cause such needed repairs and improvements to be made as the Board may deem proper, with the consent of the Council.

*Sixth,* To recommend to the Council from time to time a scale of prices for lots in said cemeteries, and regulations as to the method of selling said lots.

W. BAKER, Mayor.

Attest: Wm. HELDER, Clerk.

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AN ORDINANCE entitled an ordinance creating a Sinking Fund from the revenues of Water-works.

[PASSED JUNE 13, 1870.]

(Published June 16, 1870.)

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That from and after the erection and completion of the Water-works in said city, and as soon thereafter as any surplus fund shall appear from the revenues thereof, in excess of all legitimate expenses, for the general management of the works, or for repairs of same or for extension of water-pipe, or for increase of power in machinery, or for any necessary appliance that will prove to the advantage of the works, a sinking fund of all such surplus revenue shall be created, from which no part of same can or shall be withdrawn for any purpose whatever, except to pay interest on the bonds issued to pay for the erection of said Water-works and to cancel same at maturity.

The people of Evansville, through their representatives in the City Council, at this time, do hereby solemnly protest against the repeal or modification of this ordinance, whereby the fund so created, shall be applied to any other purpose than is indicated in this ordinance, until the bonds that may be issued for the construction of Water-works are cancelled. The Mayor of the city and the Finance Committee of the Common Council, and the Trus-

tees of the Water-works are hereby constituted and appointed Trustees of this fund, to invest same securely and to best advantage.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE providing for the government of the Water-works of the City of Evansville.

[PASSED MARCH 13, 1871.]

(Published and in force March 15, 1871.)

1. Trustees to be elected; term of office.
2. Compensation of Trustees.
3. Oath of office.
4. Contract and bond.
5. Duty of Trustees.
6. Trustees to report to the Council.
7. Water-works never to be transferred.
8. Revenue how disposed of.
9. Quorum of Board.
10. Minutes of Board.
11. Allowances by the Trustees.
12. When in effect.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That there is hereby established a Board of Trustees of the Water-works of said city, to consist of (4) four members, to be elected by the Common Council at any meeting after the passage of this ordinance. Said Trustees shall be elected for the terms respectively of one, two, three, and four years, in such manner that one Trustee shall be elected thereafter by the Common Council in the month of March of each and every year, to serve for four years, and until his successor shall be elected and qualified; and any vacancy may be filled by the remaining Trustees, for the unexpired term of any such Trustees becoming vacant for which he was elected.

SEC. 2. The compensation of said Trustees shall be the sum of two hundred dollars each, except the Presi-

dent of the Board of Trustees, who shall receive five hundred dollars, payable quarterly, at the end of each and every quarter, to be paid out of the revenue of the Water-works.

SEC. 3. Said Trustees shall take and subscribe an oath to faithfully perform their duties at the time they qualify as such.

SEC. 4. Before entering upon the duties of their office, each of said Trustees shall make a contract with the Common Council of said city, on the part of said Trustees, for the faithful performance of their duties as such officers, and on the part of the city, for the fulfillment of the obligations placed upon it by this ordinance, with bond, by the Trustees, payable to the city of Evansville, with free-hold security to the satisfaction of the Common Council in a penalty not less than five thousand dollars, conditioned for the performance of their duties as Trustees, and the safe keeping, paying over and accounting for all money and property that may come into their hands or under their control in any manner as such Trustees; said contract and bond to be filed by the Clerk, with his signature and seal.

SEC. 5. It shall be the duty of said Trustees to appoint all employees, agents, and others necessary for the faithful working of said Water-works in all its branches; to require an oath of office with bonds and security, from all holding a responsible position under them, and to take care of all property belonging to said Water-works; to establish by resolution the water rents, and to provide for the collection of same, to fix the compensation of all employees under them, and to do such other acts as may be necessary for the government, maintenance, and regulation of the Water-works. The salaries, wages and compensation of all such employees, agents and officers, shall be paid by the said Trustees out of the revenues of the Water-works.

SEC. 6. The said Trustees shall semi-annually in the months of March and September in each year, and at

such other times as the Common Council may direct, make out and submit to said Common Council a report in writing, stating in detail the receipts of said Water-works, from all sources, and the payments and for what purposes, detailing specifically all the financial transactions of the Board of Trustees and all the officers and agents for and on account of said Water-works, which report shall be verified by the affidavits of said Trustees.

SEC. 7. The said Water-works shall never be transferred, aliened, sold or leased, by the city or by said Trustees, or by any authority whatever.

SEC. 8. The revenue arising from the use of and management of said Water-works shall be under the control of said Board of Trustees, and all moneys in excess of the running expenses of said works, and necessary extensions of or additions to the same, including the repairs, and the payment of the interest on the Water-works bonds of the city of Evansville, shall constitute a Sinking Fund for the payment of the principal of said bonds, and said Board of Trustees shall invest the same in some safe bonds or security, and the proceeds of which shall be applied to the payment of said Water-works bonds until all are paid, and thereafter the same shall be paid into the city Treasury; *Provided*, That such investment shall not be made unless the Common Council shall concur with said Board as to the mode of investment.

SEC. 9. A majority of said Board of Trustees shall form a quorum for the transaction of business. The Board shall regulate its own times of meeting and enact such rules and regulations as may be necessary.

SEC. 10. Regular minutes of the proceedings of the Board shall be kept, which shall always be open to the inspection of the public.

SEC. 11. All allowances made by the Board shall be entered on record at the time when made, and written receipts shall be taken for all payments at the time when they are made.

SEC. 12. This ordinance shall be in force and effect from and after its passage.

WILLIAM BAKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE in relation to licenses.

[PASSED JUNE 7, 1862.]

(Published and in force June 14, 1862.)

1. All licenses to be taken out at proper time; otherwise, fifty per cent. additional to be paid.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That in all cases hereafter in which a city license is required to be paid for and taken out by any person or persons, for any purpose whatever, and when said license shall not have been paid for and taken out on or before the day on which the same was due and payable, the person or persons applying for such license shall be required to pay fifty per cent. in addition to the price of such license, as the same may be fixed by the ordinances of the city for the time being.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to regulate and license taverns, coffee-houses, restaurants, drinking saloons, and all other places where intoxicating liquors are sold, to be used or consumed on the premises.

[PASSED JUNE 5, 1865.]

(Published and in force June 6, 1865.)

1. Spirituous, vinous, or malt liquors not to be sold without license.
2. License, how applied for.
3. Length of time for which license may be granted.
4. Price of license.
5. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall not be lawful for any person or persons whomsoever, within the corporate limits of the city of Evansville, to sell or barter any spirituous, vinous, or malt liquors, or any intoxicating liquor whatever, where the same is to be used or consumed as a beverage, in the house where sold, or in any out-house, yard, garden, or premises belonging to or connected therewith, without first procuring from the Common Council of said city a license so to do.

SEC. 2. Any person or persons wishing to obtain a license to sell or barter any spirituous, vinous, or malt liquors, to be used as a beverage on the premises where sold, shall make application to the Common Council of said city, by petition, designating the house, room, or premises where he, she, or they propose to establish or carry on said business.

SEC. 3. No license shall be granted under this ordinance for a shorter period than six months, except as hereinafter provided, and no license shall be granted for a longer period than until the first day of August next after the granting of such license: *Provided*, That when the time intervening between the date of application and the first day of August shall be less than six months, the license may be granted until the said first day of August.

SEC. 4. The price of a license, under this ordinance,

shall be fifty dollars for one year, twenty-five dollars for six months; and when the time intervening between the making of the application and the first day of August succeeding shall be less than six months, the price of license for such intervening time shall be five dollars for every month or fraction of a month of such intervening time: *Provided*, That licenses for the time intervening between the passage of this ordinance and the first day of August, 1865, may be applied and paid for at any time on or before the 15th day of June, 1865.

SEC. 5. If any person or persons shall, after the said 15th day of June, 1865, sell or barter any spirituous, vinous, or malt liquors, without first procuring from the Common Council of the city of Evansville a license so to do, such person or persons so offending shall, on conviction, forfeit and pay the sum of fifty dollars for the first offense, and for every subsequent offense the sum of one hundred dollars.

W. BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE providing for the election of a City Surveyor, and prescribing his duties.

[PASSED NOVEMBER 12, 1859.]

(Published and in force November 15, 1859.)

1. A City Surveyor to be elected.
2. Surveyor to take and subscribe oath.
3. Duties of Surveyor in relation to lines, corners, grades, &c.
4. Surveyor to make report to Council of grades, corners, &c.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville*, That at each annual election of Councilmen hereafter to be held, there shall be elected by the qualified electors of the city, a City Surveyor, who shall hold his office for one year, and until his successor is elected and qualified.

SEC. 2. Before entering upon the discharge of the duties of his office, the Surveyor shall take and subscribe an oath that he will faithfully discharge the duties of his office, and that he will not, during his continuance in office, either directly by himself or by another, be concerned or interested in any contract or public work of the city, or be security, or in any way bound or interested for any contractor.

SEC. 3. It shall be the duty of the City Surveyor, in conjunction with the Mayor, under the direction of the Council, to find and mark out the lines of all the streets, lanes, alleys, sidewalks, market-spaces, public landings and commons which are to be improved, and shall also find and mark the proper grades of the same, and shall find and mark the lines of improvements to be made. He shall also carefully watch the improvements of all streets and alleys, and see that the contractor, or person or officer under whose superintendence the same is being done, conforms the work to the ordinances, orders or resolutions directing the same to be done. And in all cases of embankments and fills, he shall examine the ground whereon the work is to be done, and suggest, if the same be necessary, proper precautions against slides or slips, and all the means necessary to insure the permanence and stability of the work. He shall from time to time suggest to the Council the kind and quality of materials to be used in all public works, and shall aid them on all occasions, when required so to do, with his professional knowledge and skill.

SEC. 4. The City Surveyor shall, as soon as practicable, report to the Council locations, grades and corners which he, in conjunction with the Mayor, shall have fixed, and if approved by the Council, a record thereof shall be made, and they shall be the fixed and established locations, grades and corners, unless subsequently altered by authority of the Council.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE prescribing the time when the tax duplicate shall be issued, and the time within which personal and real estate may be sold for the payment of taxes, and the time for making the Collector's returns.

[PASSED OCTOBER 1, 1859.]

(Published and in force October 3, 1859.)

1. Tax duplicate, when to be made out and delivered to the Collector.
2. Duplicate and precept, when to be returned by Collector.
3. When certain statements to be made by Collector.
4. When taxes on polls, personals, &c., may be collected.
5. When taxes on real estate may be collected.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That the tax duplicate of the city shall be made out and delivered to the Collector by the Clerk, by or before the third Monday of October of each year.

SEC. 2. It shall be lawful for the Collector to return the tax duplicate, with the precept attached thereto, to the Common Council, or to their Clerk, at any time on or before the last Monday in February next following the receipt by him of such duplicate.

SEC. 3. The statement required to be made and returned by the Collector to the city Treasurer, by the provisions of the fifty-second section of the original charter of the city, may be made at any time on or before the second Monday in March next succeeding the election or appointment of such Collector.

SEC. 4. It shall be lawful, at any time after the expiration of one month from and after the receipt of the tax duplicate, and before the last Monday in February, for the Collector, by virtue of such duplicate and precept, to collect taxes on polls, personal estate, dogs and bitches, by seizing and selling the goods and chattels of the persons charged with such taxes respectively, or liable to be seized and sold for the payment thereof.

SEC. 5. It shall be lawful for the Collector, at any time after the expiration of one month from and after

the receipt of the tax duplicate and precept, and before the last Monday in the next February thereafter, to make the taxes assessed on any real estate by selling either real or personal estate liable to be sold for the payment of such taxes.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE in relation to improvements and repairs on the streets and alleys of the city, and providing for the assessment and collection of the costs and expenses of such improvements and repairs, and for the sale and conveyance of real estate charged with any portion of such costs and expenses.

[PASSED JUNE 3, 1859.]

(Published and in force June 6, 1859.)

1. Order of Council to designate what improvements or repairs are to be made.  
Advertisement, letting of contract, &c.  
Contractor to give security.
2. Expenses of improvements, how to be assessed.
3. Apportionment of expenses, how made.  
Apportionment, when approved by Council, to be recorded and assessment made.
4. Owner may give security to pay his proportion in cash.  
Contractor to receive securities thus taken.
5. Owners who give security and pay promptly, to receive eight per cent. from city.
6. Mayor to report to the Council, and precept to issue.
7. Precept, what it must contain.
8. Sales under precept, how made.
9. Certificate of purchase.
10. Premises sold may be redeemed.
11. Deed, when and by whom to be made.
12. Proviso.
13. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That whenever the Common Council of said city shall, in pursuance of the charter of the city, order and require any improvements or repairs to be made in or upon any street or alley, or in or upon a part of any street or alley within the city, by grading, paving, graveling, curbing or guttering, or otherwise improving the same

an order designating the improvements or repairs required to be made, shall be passed by the Council, and thereupon it shall be the duty of the Clerk of the city to advertise for not less than twenty days (by publication in some newspaper printed and published in the city), for sealed proposals to do the work and furnish all the materials necessary for the completion of the improvements or repairs required to be made, and the job shall (unless the Council shall see proper to defer the letting) be let to the lowest responsible bidder, who will give security to the acceptance of the Council for the performance of his contract, and in all cases the name or names of the proposed sureties of the bidder shall accompany the bid, and the contract shall be executed by the party to whom the work may be awarded, and his sureties within five days from and after the time when the work may be awarded to such party, unless by an order of Council further time is given, and a failure so to execute the contract shall be a forfeiture of the bid.

SEC. 2. The cost and expense of making any improvements or repairs (including all the materials for the same) contemplated by the preceding section, shall, unless otherwise ordered by the Council, be assessed and charged against all lots and parts of lots fronting on or adjoining the street or part of a street or alley or part of an alley so ordered and required to be improved or repaired equally per front foot, that is, every foot of real estate fronting or abutting upon such street or part of a street or alley or part of an alley on either side thereof, shall be charged with an equal proportion of the entire cost and expenses of making such improvement or repairs, including the cost of all material used therein.

SEC. 3. Within five days from and after the contractor or contractors to whom the work may be awarded shall have executed the contract and given security as aforesaid, it shall be the duty of the Mayor and City Surveyor to make to the Common Council a report in

writing, apportioning the entire cost and expense (at the contract price) of the improvement or repairs among all the lots or separate parcels of real estate fronting on or adjoining the street or part of a street or alley or part of an alley ordered to be improved or repaired, according to the principle of taxation established by the last preceding section; said apportionment or report shall set forth the whole length of the street or part of a street or alley or part of an alley so ordered to be improved or repaired, the entire cost of the improvements or repairs at the contract price, the entire number of feet of real estate fronting on or adjoining the same, and the amount with which every such foot of real estate is chargeable, together with a full description of each separate parcel of such real estate, with the name of the owner or owners, claimant or claimants thereof, and the sum to be charged against each such parcel; and where the Mayor and City Surveyor cannot ascertain the name or names of the owner or owners of any parcel of such real estate, they shall designate such parcel as the property of unknown owners, and the said report or apportionment, after being submitted to and approved by the Common Council, shall be recorded by the Clerk in the minute-book of the Council, and the Council shall thereupon pass an order assessing and charging against each lot or parcel of real estate, the share or proportion of the costs and expenses of making such improvements or repairs with which such lot or parcel of real estate is chargeable under the provisions of this ordinance.

SEC. 4. At any time within three days from and after the approval of the report, and the making of the assessment mentioned in the third section of this ordinance, any owner or claimant of any lot or parcel of real estate taxed by said assessment, may execute his undertaking in writing, with security to the acceptance and approval of the Mayor, payable to the contractor or contractors to whom the work may have been awarded, stipulating that such owner shall and will pay to such

contractor or contractors the amount assessed and charged as aforesaid against such lot or parcel of real estate, and that the same shall be paid in three installments, one-third whenever one-third of the entire job shall have been completed according to the estimate of the City Surveyor, another third whenever another third of the entire job shall have been completed according to the like estimate, and the remaining third on the completion of the entire job and its acceptance by the Council; and it shall be a part of every contract made by the city with any such contractor, that he will receive from the city the undertakings aforesaid in payment or part payment on the contract, and the Mayor, upon delivering any such undertakings to the contractor, shall take his receipt for the amount thereof as a payment of that amount on the contract.\*

SEC. 5. Any owner or claimant of any lot or parcel of real estate, who shall in pursuance of the last preceding section, execute an undertaking with security as aforesaid, and who shall pay the amount thereof to the person entitled to receive it, at the times when payable, shall be entitled to receive from the city eight per centum on the amount of said written undertaking.

SEC. 6. As soon as the contractor shall have completed his contract to the acceptance of the Council, it shall be the duty of the Mayor to make a statement or report to the Council, setting forth what undertakings of the owners or claimants of lots were received by him and handed over to the contractor, with the amount of each undertaking and the lot or parcel of real estate for which it was given; and the Council shall thereupon order a separate precept to be issued to the City Collector against each lot or parcel of real estate so assessed as aforesaid, for the amount of such assessment, but no such precept shall issue against any lot or parcel of real estate, the assessment whereon has been previously paid

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\*Fourth section amended. See ordinance of June 7th, 1859—post.

either by a written undertaking of the owner or claimant with surety as aforesaid or otherwise.

SEC. 7. The precept mentioned in the sixth section of this ordinance shall be signed by the Mayor, and attested by the Clerk, and sealed with the corporate seal of the city, and after stating the fact that the assessment was made, and referring to the record thereof, and that the same is unpaid, and after referring to the order directing the precept to be issued, and reciting the amount of the assessment and a description of the lot or parcel of real estate assessed, and stating the name of the owner or claimant if known, said precept shall command the Collector of the city to sell and convey the lot or parcel of real estate therein described, or so much thereof as may be necessary for the payment of the amount so assessed and charged against the same, and said precept shall be directed and delivered to said Collector, and shall be returnable within forty days from its date, and the Collector shall, in his return, fully state his proceedings under the precept.

SEC. 8. It shall be the duty of the Collector to sell at public auction to the highest bidder, at the door of the Court-house in Evansville, the lot or parcel of real estate described in and commanded to be sold by such precept, first giving notice of the time and place of such sale by publication for at least two weeks successively, next before the sale, in some newspaper printed and published in the city.

SEC. 9. The Collector upon making sale of any lot or parcel of real estate by virtue of any such precept, or as soon after such sale as practicable, shall upon receipt of the purchase money, make and deliver to the purchaser a certificate of purchase, which, after reciting the substance of said precept, and stating the manner of advertising the sale, shall describe the property sold and state the price for which it was sold, and the name or names of the purchaser or purchasers, with the time within

which the premises may be redeemed and shall certify that if said premises are not redeemed before the expiration of that time, the purchaser, his heirs or assigns will, at the expiration of the time allowed for redemption, be entitled to a deed for the premises.

SEC. 10. The owner or claimant of any lot or parcel of real estate sold as aforesaid, or any person on his behalf, may redeem the same at any time within one year from the day of sale, by depositing with the Treasurer of the city, for the use of the purchaser, the amount of the purchase money paid by said purchaser for his certificate of purchase, together with interest thereon at the rate of one hundred per centum per annum from the day of sale to the day of making such deposit and redemption, and also by paying to said Treasurer, for the use of such purchaser, all taxes paid by the purchaser on the premises subsequently to the day of sale, with interest at six per centum per annum, on such subsequent taxes from the time of the payment thereof to the time of redemption.

SEC. 11. After the expiration of one year from the day on which any lot or parcel of real estate shall have been sold as aforesaid, it shall be the duty of the Treasurer of the city, provided such lot or parcel of real estate shall not have been redeemed as aforesaid, upon the delivery to him of the certificate of purchase, to make, execute, acknowledge and deliver to the holder of the certificate of purchase, a deed for the premises described in such certificate, which deed shall be conclusive evidence of the facts therein stated, recited or set forth, and shall vest in the grantee a good and indefeasible title to the premises conveyed by such deed, and said deed shall not be set aside, annulled, or held invalid in any court, except upon proof of one or more of the following facts, to-wit: *First*, That the premises in such certificate described were not subject to be taxed for the purpose for which the assessment (upon which the sale was based) was made: *Second*, That the amount of

the assessment was paid to the Collector or his deputy, or tendered and refused before the sale: *Third*, that the premises were redeemed as herein provided for within one year from the day of sale.

**SEC. 12** The provisions of this ordinance shall not apply to sidewalk improvements, but sidewalk improvements, shall be made under existing ordinances the same as though this ordinance had not been passed.

**SEC. 11.** All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to amend an ordinance passed June 3, 1859, entitled "An Ordinance in relation to improvements and repairs on the streets and alleys of the city, and providing for the assessment and collection of the costs and expenses of such improvements and repairs, and for the sale and conveyance of real estate charged with any portion of such costs and expenses."

[PASSED JUNE 7, 1859.]

(Published and in force June 9, 1859.)

1. Fourth section of ordinance of June 3, 1859, amended.  
Obligations, how payable.
2. Work may be let in several contracts; proviso.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That the fourth section of the ordinance mentioned in the title of this ordinance be, and the same is hereby, so amended as to require the written undertaking mentioned in said fourth section to be payable in installments as the work progresses, in such sums and at such times as the Common Council shall from time to time order and direct; and so much of said fourth section as is inconsistent with the provisions of this ordinance is hereby repealed.

**SEC. 2.** Whenever an order shall have been passed by the Common Council for the improvement or repair of

any street or part of a street, or alley or part of an alley, and bids shall have been received therefor, the Council may, if they deem it expedient, let the said work in several contracts: *Provided*, That when there are several contracts, no contract shall be for less than two hundred and fifty feet in length of any such street or alley.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE to protect the streets of the city from injury while undergoing improvements or repairs.

[PASSED SEPTEMBER 13, 1859.]

(Published and in force September 14, 1859.)

1. When streets may be obstructed.
2. Obstructions must not be removed, nor may street be used; penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville*, That whenever any street of the city is being paved or otherwise improved or repaired, it shall be lawful for the Mayor or Street Commissioner to cause obstructions to be placed across such street at such points as may be deemed necessary for the preservation of the work from injury during the progress thereof.

SEC. 2. After the placing of any such obstructions across any such street, it shall be unlawful for any person to remove the same, or to lead, ride or drive any horse, mule, or other animal across or along any such street, or any part of any such street, which has been thus obstructed, or to cause any vehicle of any kind to be hauled across or along the same during the continuance of such obstruction; and any person violating the provisions of this ordinance shall forfeit and pay any sum not less than five dollars nor more than twenty dollars.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE relative to certain streets of the city of Evansville.

[PASSED FEBRUARY 11, 1860.]

(Published and in force February 15, 1860.)

1. Ashes, filth, &c., must not be placed on Main street.
2. Certain gutters must be kept clean at all times.
3. Provisions of this ordinance extended to all bowltered or paved streets.
4. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That it shall hereafter be unlawful for any person or persons to place or deposit any filth, ashes, shavings, paper, rags, or garbage, or any other matter or substance whatever, on any part of Main street between First street and Third street.

SEC. 2. That all owners or occupants of lots or parts of lots fronting on said street are hereby required to keep the gutters in front of their premises perfectly clean at all times, so that the drainage by said gutters may never be interrupted.

SEC. 3. That whenever any street or part of a street within said city shall hereafter be bowltered or paved, the provisions of this ordinance shall immediately apply to such street or part of a street so bowltered or paved.

SEC. 4. Every person who shall neglect any duty prescribed by, or violate any provisions of, this ordinance, shall for every such neglect or violation forfeit and pay not less than one nor more than five dollars.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE to protect the streets and alleys of the city of Evansville.

[PASSED MARCH 16, 1861.]

(Published and in force March 25, 1861.)

1. Width of tire and weight of burden of vehicles prescribed.
2. No load or burden to be dragged over paved street.
3. Certain drays to be exempt from license.
4. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That from and after the first day of April, 1861, no two-wheeled vehicle of any description, with felloes and tire less than four inches in breadth, shall be permitted to be drawn or pass over the bowldered, paved or Macadamized streets or alleys of the city with a greater burden than two thousand pounds weight, and that no four-wheeled vehicle of any description, with felloes and tire less than four inches in breadth, shall be permitted to be drawn or pass over any of said streets or alleys with a greater burden than four thousand pounds weight; and no wagon, dray, carriage, or vehicle of any kind or description shall be permitted to be drawn or pass over any of said streets or alleys with a greater burden than four tons, unless the article to be drawn is of such a nature that it cannot be separated; and in such case, in no instance shall it be drawn on or over any of said streets or alleys in or upon any vehicle or carriage of any kind, unless the felloes and the tire thereof be at least six inches in width: *Provided,* That the restriction contained in this section shall be applicable only to such carriages and other vehicles as are usually kept and employed within the city, or within two miles thereof, and shall not extend to wagons, carts, or vehicles of any kind kept or attached to any farm, plantation, or estate situate outside of the limits of the city, and not employed within the city, but occasionally passing over the streets thereof: *And provided,* That hogsheads of tobacco, or other single packages or parcels of produce

or merchandise, weighing more than two thousand pounds, may be hauled on drays similar to those now used.

**SEC. 2.** That it shall be unlawful for any person or persons to drag, or cause or permit to be dragged, by a chain or other fastening, over or upon any of said streets or alleys, any substance or thing whatever, or to allow any part of the load or burden of any vehicle to rub upon or touch the said streets or alleys.

**SEC. 3.** Every dray, having felloes and tire of the breadth of four inches, and ready for use by the first day of August, 1861, shall be exempt from the payment of license for one year from said date.

**SEC. 4.** Any person violating any of the provisions of this ordinance shall forfeit and pay any sum not exceeding fifty dollars.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

AN ORDINANCE in relation to the laying out, opening, altering, contracting, widening, or discontinuing of streets, lanes, alleys, or public landings within the city of Evansville.

[PASSED FEBRUARY 26, 1866.]

(Published and in force February 28, 1866.)

- 1. All orders of Council in relation to opening of streets, &c., to be published.
- 2. Petition and map to be presented to Council and recorded by Clerk.
- 3. Claims for damages, how and by whom to be presented.
- 4. Repealed.
- 5. When Council to pass final order, &c.
- 6. In what cases petitioners to pay for advertising.
- 7. Repeal.

**SECTION 1.** *Be it ordained by the Common Council of the City of Evansville,* That whenever the Common Council may hereafter pass an order for the laying out, opening, altering, contracting, widening or discontinuing any street, lane, alley or public landing within said city, it shall be the duty of the Clerk to give notice of

the passage of such order by publication for six weeks in some public newspaper printed and published in said city.

SEC. 2. The petitioners or persons desiring the Council to pass such order, shall present to the Council, with their petition, an accurate map or plat of the block or blocks, square or territory through or adjoining which such street, lane, alley or public landing is proposed to be laid out, opened, altered, contracted or widened, or in or adjoining which such street, lane, alley or public landing which is proposed to be discontinued is situated, showing in said plat the position, width and length of such street, lane, alley or public landing, which plat shall be recorded by the Clerk in the minute-book of the Council.

SEC. 3. All persons owning or claiming real estate adjoining or abutting upon any street, lane, alley or public landing proposed to be laid out, opened, altered, contracted or widened, and feeling themselves aggrieved by such order of the Council, may, previous to the expiration of the time mentioned in the notice referred to in the first section of this ordinance, apply to the Council for redress, by petition or remonstrance in writing left with the Clerk, and containing a statement of the injuries complained of, and the amount of damages claimed therefor, and all persons failing or neglecting to make such application within the time stated in such notice, shall be debarred from thereafter presenting or prosecuting any claim for redress or damages.

SEC. 5. After publication of notice as required by the first section of this ordinance, and after the amount of damages shall have been fixed and adjusted as required by the charter and ordinances of the city, and after the payment of the same to the claimants, the Common Council shall pass a final order, declaring that said street, lane, alley or public landing is laid out, opened, altered, contracted, widened or discontinued, as the case may be, and directing all fences or other obstructions

to be removed from such street, lane, alley or public landing so ordered to be laid out, opened, altered, contracted or widened.

SEC. 6. All notices of the pendency of proceedings for discontinuing any street, lane, alley or public landing, shall be published at the expense of the petitioners.

SEC. 7. All ordinances heretofore passed in relation to laying out and opening streets, lanes, alleys and public landings, are hereby repealed, but all proceedings pending under any former ordinances now in force, shall be conducted and completed under the provisions of such former ordinances, which are for that purpose continued in force.

WILLIAM BAKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE in relation to the laying out, opening, altering, contracting, widening or discontinuing of streets, lanes, alleys or public landing within the city of Evansville.

[PASSED AUGUST 29, 1870.]

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That in all cases where application may hereafter be made to the Council for the passage of an order to lay out, open, alter, or widen any street or alley in or through any territory within the corporate limits of the city of Evansville, which was not laid out in streets and lots and not platted and the plat thereof not recorded previous to the annexation of said territory to the city of Evansville or previous to the time at which said territory became a part of the city of Evansville, the final order to lay out, open, alter, or widen such street or alley shall not be passed unless the petitioners or persons desiring the same shall deposit with the City Treasurer the one half of the amount of damages fixed

and ascertained agreeably to the provisions of the fifty-ninth section of the city charter.

SEC. 2. Any proceedings had under the first section of this ordinance shall strictly conform with the requirements of sections one, two, three, five and six of "An ordinance in relation to the laying out, opening, altering, constructing, widening, or discontinuing of streets, alleys, lanes or public landings within the city of Evansville," passed February 26, 1866.

WILLIAM H. WALKER, Mayor.

Attest: WILLIAM HELDER, Clerk.

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AN ORDINANCE dividing the city of Evansville into nine Wards and designating the boundaries of each of said Wards.

[PASSED FEBRUARY 28, 1870.]

(Published and in force March 4, 1870.)

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That from and after the taking effect of this ordinance, the territory situate within the corporate limits of said city shall be divided into and consist of nine Wards, as follows, viz :

The First Ward shall consist of all that part of the city situate within the following boundary lines, viz : Beginning at the intersection of Chestnut and Fourth streets, and running thence by Chestnut street to Eighth street ; thence by Eighth street to the Canal ; thence by the Canal to the eastern boundary line of said city ; thence by the eastern and southern boundary line of the city to the intersection of Madison avenue and Putnam street ; thence by Putnam street and across Blackford's Grove to the southern end of Sixth street ; thence by Sixth street to Chandler street ; thence by Chandler and Gum streets to Fourth street ; and thence by Fourth street to the place of beginning.

The Second Ward shall consist of all of that part of

the city situate within the following boundary lines, viz : Beginning on the Ohio river at Walnut street and running thence by Walnut street to Fourth street; thence by Fourth street to Gum street; thence by Gum and Chandler streets to Sixth street; thence by Sixth street and across Blackford's Grove to Putnam street; thence by Putnam street to the southern boundary line of the city ; thence by said boundary line to the Ohio river; and thence by the river to the place of beginning.

The Third Ward shall consist of all of that part of the city situate within the following boundary lines, viz : Beginning on the Ohio river at Walnut street and running thence by Walnut street to Fourth street; thence by Fourth street to Main street; thence by Main street to Fifth street; thence by Fifth street to Sycamore street; thence by Sycamore street to Third street; thence by Third street to Carpenter street; thence by Carpenter street to Center street; thence by Center street to Leet street; thence by Leet street to the Ohio river; and thence by the river to the place of beginning.

The Fourth Ward shall consist of all that part of the city situate within the following boundary lines, viz : Beginning at the intersection of Fourth and Chestnut streets, and running thence by Chestnut street to Eighth street; thence by Eighth street to Division street; thence by Division street to Third street; thence by Third street to Sycamore street; thence by Sycamore street to Fifth street; thence by Fifth street to Main street; thence by Main street to Fourth street; and thence by Fourth street to the place of beginning.

The Fifth Ward shall consist of all that part of the city situate within the following boundary lines, viz : Beginning at the intersection of Leet and Center streets, and running thence by Leet street and third Avenue to Sixth street; thence by Sixth street and across F. W. Brinkmeyer's Enlargement to the west line of the Northern Enlargement; thence by said line to Ann street; thence by Ann street to Ninth street; thence by

Ninth street to Division street; thence by Division street to Third street; thence by Third street to Carpenter street; thence by Carpenter street to Center street; and thence by Center street to the place of beginning.

The Sixth Ward shall consist of all that part of the city situate within the following boundary lines, viz: Beginning on the Ohio river at Leet street; and running thence by Leet street and Third avenue to Franklin street; thence by Franklin street to Pigeon creek; thence by Pigeon creek to the Ohio river; and thence by the river to the place of beginning.

The Seventh Ward shall consist of all that part of the city situate within the following boundary lines, viz: Beginning on Pigeon creek at Franklin street; and running thence by Franklin street to Third avenue; thence by Third avenue to Sixth street; thence by Sixth street to Second avenue; thence by Second avenue to Eleventh street; thence by Eleventh street to First avenue; thence by First avenue to the northern boundary line of the city; thence by said boundary line to Pigeon creek; and thence by Pigeon creek to the place of beginning.

The Eighth Ward shall consist of all that part of the city situate within the following boundary lines, viz: Beginning at the intersection of Sixth street and Second avenue; and running thence by Sixth street and across F. W. Brinkmeyer's Enlargement to the western line of the Northern Enlargement; thence by said line and the Western line of Halzgrafe's Enlargement to the northern boundary line of the city; thence by said line to its intersection with Second avenue; thence by Second avenue to the place of beginning.

The Ninth Ward shall consist of all that part of the city situate within the following boundary lines, viz: Beginning at the intersection of the western line of Holzgrafe's Enlargement with the northern boundary line of the city; and running thence by the said west line of Holzgrafe's Enlargement and the west line of

the Northern Enlargement to Ann street; thence by Ann street to Ninth street; thence by Ninth street to Division street; thence by Division street to Eighth street; thence by Eighth street to the Canal; thence by the Canal to the eastern boundary line of the city; and thence by the eastern and northern boundary lines of the city to the place of beginning.

WILLIAM H. WALKER, Mayor,

Attest: A. M. McGRIFF, Clerk.

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AN ORDINANCE to regulate and license drays, wagons, carts, hacks, carriages and other wheeled vehicles which may be kept in the city of Evansville to be hired or used for hire or reward.

[PASSED JULY 26, 1859.]

(Published and in force July 28, 1859.)

1. All vehicles to be numbered.
2. Vehicles to be classified.
3. Vehicles to be reported and license paid.  
License, how issued; metallic plate furnished.
4. Register, how kept, and what it shall contain.
5. Plates to be of different shapes, and changed annually.
6. Sales of vehicles to be reported and registered.
7. Price of license of first class.
8. Price of license of second class.
9. Price of license of third class, and when license to expire.
- 10, 11, 12, 13, 14 and 15. Penalty.
16. Repeal.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That from and after the passage of this ordinance, every dray, wagon, cart, hack, carriage or other wheeled vehicle which may be kept within said city to be hired or to be used for hire or reward, shall be numbered, registered and licensed according to the requirements of this ordinance.

SEC. 2. The vehicles mentioned in the first section of this ordinance shall be classified as follows, to-wit: All wagons and other four-wheeled vehicles used for the transportation of freight or property, shall be designated as Class No. 1; all carts, drays and other two-

wheeled vehicles used for the transportation of freight or property, shall be designated as Class No. 2; and all two-horse hacks, carriages and other wheeled vehicles used for the transportation or carriage of persons or passengers, shall be designated as Class No. 3.

SEC. 3. It shall be the duty of the owner, keeper or possessor of any vehicle contemplated by the first section of this ordinance, to report the same to the City Clerk, in order that the same may be registered, and he shall thereupon pay into the city treasury the price of a license for such vehicle, and take the Treasurer's receipt therefor, and file it with the Clerk, who shall charge the Treasurer with the amount of such receipt, and upon the filing of the receipt, the Clerk shall make out and attest a license in pursuance of such receipt, which license shall be signed by the Mayor, and sealed with the seal of the city. The Clerk shall also deliver to the person applying for and receiving the license, the number of his vehicle, which shall be painted on a metallic plate, which plate shall be attached to the vehicle licensed, in some conspicuous part, in such manner as to render the number distinctly visible. Said license shall state the number of the vehicle, the class to which it belongs, the name of the person to whom the license was issued, and the time when it will expire.

SEC. 4. The Clerk shall keep a register, in which he shall enter, at the time of issuing each license, the number of the vehicle, the class to which it belongs, the price paid for the license, the name of the person to whom the license issues, and the time when it will expire.

SEC. 5. The metallic plates to be furnished by the Clerk to the different classes of vehicles shall be different in shape, so that the plates furnished for one class may be readily distinguishable from those furnished for either of the other classes, and said plates shall be changed annually on the first Monday of August, so

that the plates furnished for one year shall not be used the next or any subsequent year.

SEC. 6. Whenever any vehicle contemplated by the first section of this ordinance shall be sold or transferred, it shall be the duty of the person to whom it is sold or transferred, to report the sale or transfer to the Clerk, who shall note the transfer in the register, and on the production of the license issued to the former owner or possessor, shall endorse on such license a memorandum of the transfer, and such endorsement shall continue the license in force in favor of the transferee until the expiration thereof.

SEC. 7. The price of a license for any vehicle of Class No. 1 shall be one dollar for one month or any shorter period, three dollars for any period exceeding one month and not exceeding six months, and five dollars for any period exceeding six months and not exceeding twelve months.

SEC. 8. The price of a license for any vehicle of Class No. 2 shall be one dollar for one month or any shorter period, three dollars for any period exceeding one month and not exceeding six months, and five dollars for any period exceeding six months and not exceeding twelve months: *Provided*, That each cart shall be charged one-half the above rates. \*

SEC. 9. The price of a license for any vehicle of Class No. 3 shall be as follows, to-wit: For an omnibus, six dollars for six months or any shorter period, and ten dollars for any period exceeding six months and not exceeding twelve months; for a two-horse hack or cab, or any other vehicle of Class No. 3, four dollars for six months or any shorter period, and seven dollars and fifty cents for any period exceeding six months and not exceeding twelve months; and no license shall be granted under this ordinance to run beyond the first day of August next succeeding the issuing thereof: *Provided, however*, That licenses may be taken out at any time in July, to commence and take effect on the first day of August ensuing; *And*

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\*The proviso in the eighth section repealed. See post.

*provided, also,* That the provisions of this ordinance shall not be construed to embrace or include buggies and other one-horse vehicles having only a single seat and kept by livery-stable keepers to be hired out and used for trips or journeys out of the city.

SEC. 10. Any person or persons who shall keep or use for hire or reward within the city of Evansville, any vehicle contemplated by the first section of this ordinance, without having procured a license therefor according to the requirements of this ordinance, shall for every such offense forfeit and pay any sum not less than five dollars nor more than twenty-five dollars.

SEC. 11. Every person who shall fail or neglect to attach to and keep upon any licensed vehicle contemplated by this ordinance the metallic plate which may be furnished to him by the Clerk, so that the number of such vehicle may be conspicuously visible, shall for every such offense forfeit and pay any sum not less than three dollars nor more than ten dollars.

SEC. 12. Any person or persons who shall purchase or have transferred to him or them any vehicle licensed under this ordinance, and who shall keep or use the same for hire or reward within the city, without reporting the transfer to the City Clerk, and having the license which may have been issued to the former owner or possessor endorsed as required by this ordinance, shall for every such offense forfeit and pay any sum not less than one dollar nor more than five dollars.

SEC. 13. Any person or persons owning or possessing any vehicle licensed under this ordinance, who shall, after the first day of August in any year, suffer or permit the metallic plate of the previous year to remain upon or attached to such vehicle, shall for every such offense forfeit and pay any sum not less than three dollars nor more than ten dollars.

SEC. 14. Any person or persons who shall remove the metallic plate from any licensed vehicle, and place it on an unlicensed vehicle, shall for every such offense for-

feit and pay any sum not less than five dollars nor more than fifteen dollars.

SEC. 15. Any person or persons who shall place upon any vehicle requiring a license under the provisions of this ordinance, a spurious or counterfeit metallic plate, shall forfeit and pay any sum not less than ten dollars nor more than twenty-five dollars.

SEC. 16. All ordinances to regulate and license vehicles heretofore passed and now in force, are hereby repealed, but this repeal shall not invalidate any license heretofore issued under such ordinances, and all offenses heretofore committed against such ordinances may be punished as if this ordinance had not been passed.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE supplemental to an ordinance passed July 26, 1859, entitled "An ordinance to regulate and license drays, wagons, carts, hacks, carriages and other wheeled vehicles which may be kept in the city of Evansville to be hired, or used for hire or reward.

[PASSED SEPTEMBER 20, 1859.]

(Published and in force September 22, 1859.)

1. Price of cart licenses.
2. Alternate cart license, how issued.
3. Penalty.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville;* That the proviso in relation to the price of license for carts contained in the eighth section of said ordinance of July 26, 1859, be and the same is hereby repealed; and hereafter each cart or other wheeled vehicle of Class No. 2 shall be charged for license the price designated in the body of said eighth section.

SEC 2. Whenever any person shall have taken out or shall hereafter take out a license or licenses for one or more drays, such person may obtain a special license or

licenses for an equal number of carts, by paying twenty-five cents for every such cart license, but every cart so licensed shall be designated as the alternate of some particular dray owned by the same person, the number of which dray shall be designated in the special license of such cart, and such special license shall only authorize the use of such cart when and during such times as its alternate dray shall be idle, and such special license of such cart shall expire at the time of the expiring of the license of such alternate dray.

SEC. 3. Any person who shall use, or suffer or permit to be used, any cart for which such special license shall have been obtained, during the same time that the alternate dray mentioned in such special license shall be employed or be in use, shall for every such offense forfeit and pay the penalty prescribed by the tenth section of said ordinance of July 26, 1859.

W. BAKER, Mayor.

Attest: P. BURKE, Clerk.

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AN ORDINANCE to provide for the inspection and weighing of Cotton, and appointment of an Inspector thereof.

[PASSED NOVEMBER 30, 1868.]

1. Appointment of Inspector and oath of office.
2. Duty of Inspector.

SECTION 1. *Be it ordained by the Common Council of the City of Evansville,* That there shall be appointed, annually, in May, by the Common Council of said city, an Inspector of Cotton, who shall hold his office for one year, and until his successor shall be appointed and qualified, and who shall, before entering upon the duties of his said office, take and subscribe an oath faithfully, honestly and impartially to discharge the duties of his said office to the best of his skill and ability, which

oath shall be filed in the office of the City Clerk, who shall preserve the same on the files of said office.

SEC. 2. That it shall be the duty of the Inspector of Cotton to properly inspect and weigh each bale or bag of Cotton upon the arrival and storage of the same within the city of Evansville, and to tare and mark the weight of each bale or bag in legible figures, where called upon and requested, by the owner or agent thereof, to do the same, and for each bale or bag of Cotton, so inspected by such Inspector he shall be allowed a fee of twenty-five cents, to be paid by the owner, agent or consignee thereof.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

WILLIAM H. WALKER, Mayor.

Attest: A. M. McGRIFF, Clerk.

## APPENDIX B:

Containing the names of the officers of the Town (now City) of Evansville, from its commencement as a corporation until the year 1870-71, and other statistics.

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### TOWN OF EVANSVILLE.

The first meeting of the Board of Trustees of the Town of Evansville, was held on Saturday, the 20th day of March, A. D. 1819.

#### OFFICERS OF THE CORPORATION.

*Trustees.*—Hugh McGary, President ; Isaac Fairchild, Everton Kennerly, Alfred O. Warner, and Francis J. Bentley.

Elisha Harrison, Secretary and Lister ; John Conner, Treasurer ; Alpheus Fairchild, Collector.

Amount of taxes assessed for 1819, \$191 28 $\frac{3}{4}$ .

Extract from the minutes of March 20th, 1819 :

Ordered that the following property be, and the same is, hereby considered subject to taxation for corporation purposes, and the lister of said corporation is hereby required to list and make a return of the same to this Board within forty days, to-wit: real property in said corporation, *qualified voters for Trustees in said corporation*, taverns, stores, groceries, grog-shops, ware-houses, drays, wagons, carriages of *two wheels and upwards*, carts, horses, ferries, and bound or hired servants of color.

1820.—March 14th.

*Trustees.*—John M. Dunham, President; Daniel F. Goldsmith, Presley Pritchett, William Mills, Jr., and John G. Chandler.

James A. Boiss, Secretary; Alanson Warner, Treasurer; George W. Lindsay, Collector.

There was no record kept from June 13, 1820, until March 13, 1822.

1822.—March 13th.

*Trustees.*—Robert M. Evans, President; Robert Armstrong, James Newman, Joshua V. Robinson, and Amos Clark.

John W. Shaw, Secretary; Daniel Avery, Jr., Treasurer; Alanson Warner, Collector.

Amount of taxes assessed for 1822, \$238 27½.

Clerk's salary, \$20; Treasurer's salary \$5; Assessor's salary, \$3.

1823.—March 18th.

*Trustees.*—Robert M. Evans, President; John W. Shaw, William W. Vernon, Amos Clark, and Joshua V. Robinson.

Daniel Chute, Secretary; Robert M. Evans, Treasurer; Nathan Rowley, Collector.

Amount of taxes assessed for 1823, \$246 81.

Extract from the minutes, 1823, July 11:

“Ordered, that the ordinance prohibiting the firing of guns in the town of Evansville be suspended for thirty days: *Provided*, That nothing herein contained shall justify any person in shooting *except at dogs*.”

1824.—March 20th.

*Trustees.*—Amos Clark, President; Charles I. Battell, Harley B. Chandler, Nathan Rowley, and Joshua V. Robinson.

Joshua V. Robinson, Secretary; John Conner, Collector.

Valuation of real estate for 1824:

Original Plan.....	\$21,681 00
Donation Enlargement.....	2,115 06
Upper Enlargement.....	2,690 00
Lower Enlargement.....	848 00
 Total.....	\$27,734 00

From March 12, 1825, until January 28th, 1828, there was but one meeting of the Board of Trustees, viz: on the 14th of November, 1825.

1828.—March 20th.

*Trustees.*—John Shanklin, President; John Conner, Alanson Warner, Jay Morehouse and William Lewis.

Jay Morehouse, Secretary; John Conner, Treasurer; John B. Stinson, Collector; Horace Dunham, Lister.

Amount of taxes assessed for 1828, \$107 28½.

1829.—June 8th.

*Trustees.*—John Shanklin, President; John Conner, William Lewis, Alanson Warner\* and Jay Morehouse.†

\*1829.—June 30th.—John B. Stinson elected Trustee in the room of Alanson Warner, resigned.

†1829.—August 5th.—Alexander Johnson elected Trustee in the room of Jay Morehouse, resigned.

Jay Morehouse, Secretary; A. M. Phelps, Collector.

Amount of taxes assessed for 1829, \$149 70¾.

1830.—April 1st.

*Trustees.*—John Shanklin, President; Alexander Johnson, John B. Stinson, William Lewis\* and John Conner.†

\*1830.—May 13th.—Samuel Mansell elected Trustee in the room of William Lewis, resigned.

†1830.—May 13th.—Nathan Rowley elected Trustee in the room of John Conner, resigned.

Nathan Rowley, Secretary; Alexander Johnson, Treasurer; Alexander M. Barnes, Collector.

Amount of taxes assessed for 1830, \$155 15.

1831.—May 16th.

*Trustees.*—Alanson Warner, President; Alexander Johnson, Silas Stephens and Nathan Rowley—one vacancy.

Nathan Rowley, Secretary; Edward Hopkins, Collector; Alexander Johnson, Treasurer.

Amount of taxes assessed for 1831, \$116 27 $\frac{1}{2}$ .

1832.—June 4th.

*Trustees.*—Alanson Warner, President; Alexander Johnson, Silas Stephens, John Mitchell and W. T. T. Jones.

W. T. T. Jones, Secretary; Alanson Warner, Treasurer; Edward Hopkins, Collector; Richard Jenkins, Harbor Master.

1833.—March 16th.

*Trustees.*—Nathan Rowley, President; Silas Stephens, Francis Amory, John Lockwood and Marcus Sherwood.

Francis Amory, Secretary; John M. Lockwood, Treasurer; Edward Hopkins, Collector.

Amount of taxes assessed for 1833, \$179 32.

1834.—March 19th.

*Trustees.*—John M. Lockwood, President; William Trafton, John Mitchell, A. P. Hutchinson and Francis Amory.

Francis Amory, Secretary; Horace Dunham, Treasurer; Joseph Neely, Collector.

1835.—May 22d.

*Trustees.*—Amos Clark, President; Alanson Warner, James Cawson, William M. Walker and Marcus Sherwood.

James Cawson, Clerk; Nathan Rowley, Treasurer; Thomas Jefferson Ham, Collector; James Lockhart, Surveyor.

Amount of taxes assessed for 1835, \$471 67 $\frac{1}{4}$ .

1836.—June 10th.

*Trustees.*—Amos Clark, President; William McKnitt, 1st ward; James Lockhart, 2nd ward; John M. Lockwood,\* 3rd ward; Edward Hopkins, 4th ward; Amos Clark, 5th ward.

\*1836.—August 15th.—A. P. Hutchinson appointed Trustee for the 3rd ward, in the room of John M. Lockwood, resigned.

James Lockhart, Clerk; Nathan Rowley, Treasurer; Isaac Hutchinson, Collector.

Amount of taxes assessed for 1836, \$1,208 81 $\frac{1}{4}$ .

1837.—June 7th.

*Trustees.*—Robert M. Evans, President; James Lockhart,† 1st ward; Robert M. Evans, 2d ward; William Walker,\* 3rd ward; Edward Hopkins, 4th ward; Abraham B. Coleman,‡ 5th ward.

\*April 7th, 1838.—John Douglas, appointed Trustee for the 3rd ward, in the room of William Walker, resigned.

†April 10th, 1838.—Thomas F. Stockwell appointed Trustee for the 1st ward, in the room of James Lockhart, resigned.

‡April 10th, 1838.—Francis Amory appointed Trustee for the 5th ward, in the room of A. B. Coleman, resigned.

Joseph Bowles, Clerk; James Cawson, Treasurer; John S. Hopkins, Collector; Amos Clark, Attorney.

Value of real and personal property assessed in 1837, \$863,675 00.

Amount of taxes assessed in 1837, viz:

General levy.....	\$2,261 43 $\frac{1}{2}$
Special levy.....	1,004 43
Total.....	\$3,266 06 $\frac{1}{2}$

1838.—June 8th.

*Trustees.*—Alanson Warner, President; Abraham B. Coleman, 1st ward; Alanson Warner, 2nd ward; John Douglass, 3rd ward; Jerome B. Lanphear, 4th ward; George B. Walker, 5th ward.

Joseph Bowles, Clerk, until October 2nd, 1838.

Benjamin F. Dupuy, Clerk, after October 2nd, 1838.

Joseph Bowles, Assessor; James Cawson, Treasurer; Joseph Bowles, Collector; H. P. Woodward, Surveyor.

## Census, April 24th, 1838:

Whites, males 567, females 621.....	1,188
Blacks, males 24, females 16.....	40

Total population.....1,228

Value of real and personal property assessed in 1838,  
\$928,725.

Amount of taxes assessed for 1838, \$3, 219 75.

## 1839.—June 5th.

*Trustees.*—Alanson Warner, President; Abraham B. Coleman, 1st ward; Alanson Warner, 2nd ward; John Douglass, 3rd ward; Henry C. Gwathmey, 4th ward; Dr. George B. Walker, 5th ward.

Benjamin F. Dupuy, Clerk; Benjamin F. Dupuy, Assessor; James Cawson, Treasurer; Mason O. Newman, Collector until June 12th, 1839; Edward Hopkins, Collector after June 12th, 1839.

Value of real estate assessed in 1839.....	\$654,829 00
Value of personal estate assessed in 1839.....	185,125 00

Total.....\$839,954 00

Amount of taxes assessed in 1839, \$2,099 88

## 1840.—June 2nd.

*Trustees.*—John Mitchell, President until June 22nd, 1840.

Nathan Rowley, President after June 22nd, 1840.  
John S. Hopkins, 1st ward; Marcus Sherwood, 2nd ward; John Mitchell, 3rd ward; Frederick E. Goodsell, 4th ward; Nathan Rowley, 5th ward.

Benjamin F. Dupuy, Clerk; Benjamin F. Dupuy, Assessor; James Cawson, Treasurer; Benjamin F. Dupuy, Collector; W. T. T. Jones and James G. Jones, Attorneys; Thomas Gedney, Marshal.

Value of real estate assessed in 1840.....	\$599,296 00
Value of personal estate assessed in 1840.....	245,310 00

Total.....\$844,606 00

Amount of taxes assessed in 1840, \$4,065 93.

Number of inhabitants in 1840, 2,121.

## 1841.—June 11th.

*Trustees.*—C. M. Griffith, President until July 10th 1841.

Nathan Rowley, President after July 10th, 1841.

William M. Walker, 1st ward; Willard Carpenter, 2nd ward; C. M. Griffith,\* 3rd ward; Frederick E. Goodsell, 4th ward; Nathan Rowley, 5th ward.

\*1841, November 13th.—John Mitchell appointed Trustee for the 3rd ward, in the room of C. M. Griffith, resigned.

Frederick E. Goodsell, Clerk; Benjamin F. Dupuy, Assessor; Nathan Rowley, Treasurer; Thomas Gedney, Collector; Thomas Gedney, Marshal; William M. Walker, Surveyor.

Value of real estate assessed in 1841.....	\$561,675 00
Value of personal estate assessed in 1841.....	164,900 00
Total .....	\$726,575 00

Amount of taxes assessed in 1841, \$3,051 07.

1842.—June 7th.

*Trustees.*—William M. Walker, President; William M. Walker, 1st ward; Jacob Hunnel, 2nd ward; Thomas F. Stockwell, 3rd ward; Samuel Orr, 4th ward; John M. Stockwell,\* 5th ward.

\*1842, October 15th.—Lewis Howes appointed Trustee for the 5th ward, in the room of John M. Stockwell, resigned.

John M. Stockwell, Clerk; Benjamin F. Dupuy, Assessor; Samuel Orr, Treasurer; James T. Walker, Collector; Conrad Baker, Attorney; William M. Walker, Surveyor.

Value of real and personal property assessed in 1842, \$542,811 00.

Amount of taxes assessed in 1842, \$1,843 11.

1843.—June 6th.

*Trustees.*—William M. Walker, President until August 26th, 1843.

John Henson, President after August 26th, 1843.

William W. Walker 1st ward; Jacob Hunnel, 2nd ward; Varner Satterlee, 3rd ward; John Hen-

son, 4th ward; Lewis Howes, 5th ward; Thomas M. Archer, 6th ward.

John M. Stockwell, Clerk; Richard Jenkins, Assessor; Samuel Orr, Treasurer; James T. Walker Collector; Conrad Baker, Attorney; James T. Walker, Marshal; William M. Walker, Surveyor.

Value of real and personal property assessed in 1843, \$552,900 00.

Amount of Taxes assessed in 1843, \$1,935 25.

#### 1844.—June 4th.

*Trustees.*—Samuel Orr, President; William M. Walker, 1st ward; Jacob Hunnel, 2nd ward; Varner Satterlee, 3rd ward; Stephen Childs, 4th ward; Joseph P. Elliott, 5th ward; Samuel Orr, 6th ward.

John M. Stockwell, Clerk until October 19th 1844.

John N. Kikendall, Clerk after October 19th, 1844.

Horace Dunham, Assessor; Samuel Orr, Treasurer; Thomas M. Archer, Collector; John N. Kikendall, Attorney; Thomas M. Archer, Marshal; William M. Walker, Surveyor.

Value of real and personal property assessed in 1844, \$555,200 00.

Amount of taxes assessed in 1844, \$1, 323 24.

#### 1845.—June 3rd.

*Trustees.*—James Laughlin, Jr., President; John M. Stockwell, 1st ward; Jacob Hunnel, 2nd ward; John Mitchell, 3rd ward; John J. Chandler, 4th ward; Lewis Howes, 5th ward; James Laughlin, Jr., 6th ward.

John N. Kikendall, Clerk; Z. B. Aydelott, Assessor; James Laughlin, Jr., Treasurer; George W. Amory, Collector; John N. Kikendall, Attorney; George W. Amory, Marshal; William M. Walker, Surveyor.

Value of real estate assessed in 1845.....	\$387,882 00
Value of personal estate assessed in 1845.....	99,565 00

Total.....	\$487,447 00
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Amount of taxes assessed in 1845, \$3,530 22.

1846.—June 3rd.

*Trustees.*—John M. Stockwell, President; John M. Stockwell, 1st ward; James G. Jones, 2nd ward; Joseph P. Elliott, 3rd ward; John J. Chandler, 4th ward; Lewis Howes, 5th ward; John Onyett, 6th ward.

John J. Chandler, Clerk; Thomas E. Garvin, Assessor; Samuel Orr, Treasurer; Thomas M. Archer, Collector; James E. Blythe, Attorney; William M. Walker, Surveyor.

Value of real estate assessed in 1846.....	\$547,476 00
Value of personal estate assessed in 1846.....	270,585 00
<hr/>	
Total.....	\$818,061 00

Amount of taxes assessed for 1846, \$3,386 89.

### CITY OF EVANSVILLE.

INCORPORATED JANUARY 27TH, A. D. 1847.

The first meeting of the Common Council of the City of Evansville was held April 12th, 1847.

JAMES G. JONES, Mayor.

Councilmen—L. L. Laycock, 1st ward; Silas Stephens, 2nd ward; Willard Carpenter, 3rd ward; C. M. Griffith,\* 4th ward; L. Howes, 5th ward; John Hewson, 6th ward.

\*1847, July 24th.—Thomas Scantlin elected Councilman of the 4th ward, in the room of C. M. Griffith, resigned.

John J. Chandler, Clerk; Wm. Bell, Assessor; Samuel Orr, Treasurer; Wm. Bell, Collector; James E. Blythe, Attorney; Wm. Bell, Marshal; Wm. M. Walker, Surveyor.

Value of real and personal property assessed in 1847, \$901,324 00.

Amount of taxes assessed for 1847, \$3,319 97.

1848, March 7th.—Agreement made with John Mitchell, Marcus Sherwood and Moses Ross for the construction of the city wharf.

1848.—April 8th.

JAMES G. JONES, Mayor.

Councilmen—J. M. Stockwell,\* 1st ward; Silas Stephens, 2nd ward; Willard Carpenter, 3rd ward; M. W. Foster, 4th ward; Isaac Hutchinson, 5th ward; Stephen Childs,† 6th ward.

\*August 14th, 1848.—James Steele elected Councilman of the 1st ward, in the room of J. M. Stockwell, resigned.

†January 13th, 1849.—John Hewson elected Councilman of the 6th ward, in the room of Stephen Childs, resigned.

John J. Chandler, Clerk; William Bell, Assessor; Samuel Orr, Treasurer; William Bell, Collector; John J. Chandler, Attorney; William Bell, Marshal; William M. Walker, Surveyor; P. G. O'Riley, Wharf-master; W. H. Chandler, Chief Director of the Fire Department.

Value of real estate assessed in 1848.....	\$663,930 00
Value of personal estate assessed in 1848.....	397,560 00
<b>Total.....</b>	<b>\$1,061,490 00</b>

Amount of taxes assessed for 1848, \$3,623 97.

1849.—April 7th.

JAMES G. JONES, Mayor.

Councilmen—James Steel, 1st ward; Conrad Baker, 2nd ward; Joseph P. Elliott, 3rd ward; Philip Decker, 4th ward; Crawford Bell, 5th ward; John Hewson, 6th ward.

John J. Chandler, Clerk; William Bell, Assessor; Samuel Orr, Treasurer; William Bell, Collector; John J. Chandler, Attorney; William Bell, Marshal; William M. Walker, Surveyor; P. G. O'Riley, Wharf-master.

Value of real and personal property assessed in 1849, \$1,347,000 00.

Amount of taxes assessed for 1849, \$6,139 00.

1850.—April 6th.

JAMES G. JONES, Mayor.

Councilmen—Reuben B. Hart, 1st ward; John B. Hannah,\* 2nd ward; William Hunnel, 3rd ward; Joseph P. Elliott,† 4th ward; Philip Decker, 5th ward; John T. Walker, 6th ward; John Henson, 7th ward; Bayles Bennett, 8th ward.

\*December 7th, 1850.—James M. Parvin elected Councilman of the 2nd ward, in the room of John B. Hannah, resigned.

†December 7th, 1850.—Thomas E. Garvin elected Councilman of the 4th ward, in the room of J. P. Elliott, resigned.

John J. Chandler, Clerk; William Bell, Assessor; Soren Sorenson, Treasurer; William Bell, Collector; John J. Chandler, Attorney; John S. Gavitt, Marshal; William M. Walker, Surveyor until June 22nd, 1850; P. H. Woodard, Surveyor after June 22nd, 1850; P. G. O'Riley, Wharf-master until January 1st, 1851; John E. Taylor, Wharf-master after January 1st, 1851.

Value of real and personal property assessed in 1850, \$1,692,997 00.

Amount of taxes assessed in 1850, \$7,279 80.

1851.—April 12th.

JAMES G. JONES, Mayor.

Councilmen—Crawford Bell,\* 1st ward; Thomas Scantlin,† 2nd ward; Silas Stephens, 3rd ward; Allen C. Hallock, 4th ward; M. Gavisk, 5th ward; Matthias Stohlhoefer, 6th ward; John Hewson, 7th ward; Charles Harrington, 8th ward.

\*August 30th, 1851.—Joseph P. Elliott† elected Councilman of the 5th ward, in the room of Crawford Bell, resigned.

†November 22nd, 1851.—John S. Hopkins elected Councilman of the 3rd ward, in the room of Joseph P. Elliott, resigned.

†September 27th, 1851.—John M. App elected Councilman of the 2nd ward, in the room of Thomas Scantlin, resigned.

John J. Chandler, Clerk; William Bell, Assessor; Soren Sorenson, Treasurer; William Bell, Collector; John J. Chandler, Attorney; Joel F. Sherwood, Marshal until August 30th, 1851; George W. Glover, Marshal after August 30th, 1851; P. H. Woodard, Surveyor; John E. Taylor, Wharf-master; Nathan Rowley, Recorder until August 17th, 1851; George H. Todd, Recorder after August 17th, 1851.

Value of real and personal property assessed in 1851, \$1,907,632 00.

Amount of taxes assessed for 1851, \$11,455 80.

1852.—April 10th.

JAMES G. Jones, Mayor.

Councilmen—John S. Hopkins, 1st ward; John M. App, 2nd ward; Silas Stephens, 3rd ward; E. H. De Garmo, rd; Richard Raleigh, 5th ward; Matthias Stohlhoefer,\* 6th ward; John Hewson, 7th ward; William Heilman, 8th ward.

\*July 30th, 1852.—Philip Decker elected Councilman of the 6th ward, in the room of Matthias Stohlhoefer, deceased.

John J. Chandler, Clerk; George W. Glover, Assessor; Soren Sorenson, Treasurer; William Hughes, Collector; John J. Chandler, Attorney; George W. Glover, Marshal; P. H. Woodard, Surveyor; John E. Taylor, Wharf-master; John F. Crisp, Recorder.

Value of real and personal property assessed for 1852, \$2,056,160 00.

Amount of taxes assessed in 1852, \$16,564 20.

1853.—April 9th.

JOHN S. HOPKINS, Mayor.

Councilmen—Allen C. Hallock, 1st ward; Francis A. Linck, 2nd ward; James Laughlin, Jr., 3rd ward; E.

H. De Garmo, 4th ward ; Richard Raleigh,\* 5th ward ; Philip Decker, 6th ward ; John Hewson, 7th ward ; Boyd Bullock, 8th ward ; John Farrell,† 9th ward ; William Hunnel, 10th ward.

\*November 26th, 1853.—Dr. D. A. Farnsley elected Councilman of the 5th ward, in the room of R. Raleigh, resigned.

†September 24th, 1853.—Reuben B. Hart elected Councilman of the 9th ward, in the room of John Farrell, resigned.

George H. Todd, Clerk ; George W. Glover, Assessor ; Soren Sorenson, Treasurer ; William Bell, Collector ; Conrad Baker, Attorney ; John Ward, Marshal ; P. H. Woodard, Surveyor ; John E. Taylor, Wharf-master until September 1st, 1853, P. G. O'Riley, Wharf-master after September 1st, 1853 ; John F. Crisp, Recorder.

Value of real and personal property assessed in 1853, \$2,537,965 00.

Amount of taxes assessed in 1853, \$29,799 .

1854.—April 8th.

JOHN S. HOPKINS, Mayor.

Councilmen—James Steele, 1st ward ; Francis A. Linck,\* 2nd ward ; Silas Stephens, 3rd ward ; Joseph P. Elliott, 4th ward ; H. J. Hart, 5th ward ; Philip Decker, 6th ward ; James Roquet, 7th ward ; Henry D. Allis, 8th ward ; Richard Raleigh, 9th ward ; William Hunnel, 10th ward ; Michael Muentzer, 11th ward.

\*September 13th, 1854.—James Scantlin, Jr., elected Councilman of the 2nd ward, in the room of F. A. Linck, deceased.

George H. Todd, Clerk ; John J. Marlett, Assessor ; Soren Sorenson, Treasurer ; John Farrell, Collector ; Conrad Baker, Attorney ; John Ward, Marshal, P. H. Woodard, Surveyor ; P. G. O'Riley, Wharf-master ; John F. Crisp, Recorder.

## Value of property assessed in 1854 :

Real estate.....	\$1,635,948 50
Improvements .....	458,915 00
Personals .....	515,748 00
Total.....	\$2,610,611 50

Amount of taxes assessed in 1854, \$37,331 83.

1855.—April 6th.

JOHN S. HOPKINS, Mayor.

Councilmen—James Steele, 1st ward ; James Scantlin, Jr., 2nd ward ; Silas Stephens, 3rd ward ; Joseph P. Elliott, 4th ward ; Christian Hedderich, 5th ward ; Jacob Kron, 6th ward ; James Roquet, 7th ward ; Christian Kratz, 8th ward ; Adin C. Pushee, 9th ward ; William Hunnel, 10th ward ; Michael Muentzer, 11th ward.

Wellman H. Walker, Clerk ; James Spaulding, Assessor ; Soren Sorenson, Treasurer ; John Farrell, Collector ; Conrad Baker, Attorney ; Peter Burke, Marshal ; James D. Saunders, Surveyor ; P. G. O'Riley, Wharfmaster ; John F. Crisp, Recorder.

## Value of property assessed in 1855 :

Real estate.....	\$1,803,679 00
Improvements.....	364,905 00
Personals .....	839,900 00
Total.....	\$3,008,484 00

Amount of taxes assessed for 1855, \$33,582 85.

1856.—April 12th.

JOHN HEWSON, Mayor.

Councilmen—Matthew W. Foster, 1st ward ; James Scantlin, Jr., 2nd ward ; George W. Rathbone, 3rd ward ; Varner Satterlee, 4th ward ; Frederick W. Cook, 5th ward ; Samuel Orr, 6th ward ; Joseph Setchell, 7th ward ; George Venneman, 8th ward ; Fielding Johnson, 9th ward ; William Hunnel, 10th ward ; Dennis Kinney, 11th ward.

Wellman H. Walker, Clerk ; James Spaulding, Assessor ; Soren Sorenson, Treasurer ; John Wesley Hughes, Collector ; Conrad Baker, Attorney ; James

B. Evans, Marshal; James D. Saunders, Surveyor; P. G. O'Riley, Wharf-master; Bracket Mills, Recorder.

Value of property assessed for 1856:

Real estate.....	\$1,823,375 00
Improvements.....	417,010 00
Personals.....	945,776 00
Total .....	\$3,186,161 00

Amount of taxes assessed for 1856, \$43,353 94.

1857.—April 9th.

JOHN HEWSON, Mayor.

Councilmen—Matthew W. Foster,\* 1st ward; James Scantlin, Jr., 2nd ward; William E. French, 3rd ward; Joseph P. Elliott, 4th ward; Christian Hedderich, 5th ward; M. McInnerney, 6th ward; Joseph Setchell, 7th ward; William Inwood, 8th ward; Bernard Nurre, 9th ward; William Hunnel, 10th ward; Michael Muentzer, 11th ward; Francis D. Allen, 12th ward; Dr. Matthew Muhlhausen, 13th ward; Henry Schmutte, 14th ward; Victor Bisch, 15th ward; William Warren, 16th ward; Peter Sharpe, 17th ward; Archibald G. Sullivan, 18th ward; Thomas Redmond,† 19th ward.

\*November 10th, 1857.—John S. Hopkins elected Councilman of the 1st ward, in the room of M. W. Foster, resigned.

†August 8th, 1857.—Patrick Dolan elected Councilman in the 19th ward, in the room of Thomas Redmond, resigned.

Wellman H. Walker, Clerk; Patrick Burke, Assessor; Soren Sorenson, Treasurer; George Wolflin, Collector; Conrad Baker, Attorney; Edward S. Martin, Marshal; James D. Saunders, Surveyor; P. G. O'Riley, Wharf-master; Bracket Mills, Recorder.

Value of property assessed for 1857:

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$1,827,762 00	\$524,725 00	\$954,463 00	\$3,306,950 00
Lamasco.....	798,320 00	179,625 00	114,145 00	1,092,090 00
Grand total.....				\$4,399,040 00

## Amount of taxes assessed for 1857:

Evansville.....		\$45,558 98
Lamasco.....		12,726 23
Total.....		\$58,285 21

1858.—April 10th.

JOHN HEWSON, Mayor.

Councilmen—John S. Hopkins, 1st ward; Dr. Hugh Ronalds, 2nd ward; William Hubbell, 3rd ward; Joseph P. Elliott, 4th ward; William Emery, 5th ward; Thomas Redmond, 6th ward; Joseph Setchell, 7th ward; Christian Miller, 8th ward; Reuben B. Hart, 9th ward; William Hunnel, 10th ward; Michael Muentzer, 11th ward; John S. Gavitt, 12th ward; John A. Reitz, 13th ward; Henry Schmutte, 14th ward; Andrew J. Hutcheson, 15th ward; Barney Cody, 16th ward; Peter Sharpe, 17th ward; Archibald G. Sullivan, 18th ward; Herman Wayland, 19th ward.

Augustus Lemcke, Clerk; Patrick Burke, Assessor; Soren Sorenson, Treasurer; George Wolflin, Collector; Conrad Baker, Attorney; Edward S. Martin, Marshal; James D. Saunders, Surveyor; P. G. O'Riley, Wharf-master; Bracket Mills, Recorder.

## Value of property assessed for 1858:

	Lots.	Improvements.	Personals.	Total.
Evansville .....	\$1,504,937 00	\$753,465 00	\$1,070,705 00	\$3,329,107 00
Lamasco .....	646,062 00	217,629 00	177,245 00	1,040,927 00
Grand total.....				\$4,370,034 00

## Amount of taxes assessed for 1858:

Evansville.....		\$37,945 26
Lamasco.....		8,915 94
Total.....		\$46,861 20

1859.—April 9th.

WILLIAM BAKER, Mayor.

Councilmen—Z. H. Cook, 1st ward; Joseph P. Elliott, 2nd ward; Samuel Orr, 3rd ward; John S. Gavitt,\* 4th ward; George Wolflin, 5th ward; Andrew J. Hutcheson, 6th ward; Archibald G. Sullivan, 7th ward; Thomas Redmond,† 8th ward; John Ivinson‡, 9th ward.

\*September 17th, 1859.—Augustus Kollenberg elected Councilman of the 4th ward, in the room of J. S. Gavitt, resigned.

†October 15th, 1859.—John H. Roelker elected Councilman of the 8th ward, in the room of Thomas Redmond, resigned.

‡February 18th, 1860.—William Mills elected Councilman of the 9th ward, in the room of John Ivinson, resigned.

Patrick Burke, Clerk; Thomas McAvoy, Assessor; Soren Sorenson, Treasurer; Peter Schmuck, Collector; C. Baker and Foster, Attorneys; E. S. Martin, Marshal; James D. Saunders, Surveyor; P. G. O'Riley, Wharfmaster; John Smith, Street Commissioner; Horatio Q. Wheeler, William Hughes, Philip Hornbrook, School Trustees; James Fitzwilliams, Market-master Upper Market; Francis Schneider, Market-master Lower Market.

#### Value of property assessed for 1859 :

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$1,765,312 00	\$869,680 00	\$1,170,733 00	\$3,805,725 00
Lamasco.....	755,720 00	242,755 00	183,204 00	1,201,679 00
Grand total.....				\$5,007,404 00

#### Amount of taxes assessed for 1859 :

Evansville.....	\$41,277 97
Lamasco .....	10,266 90
Total.....	\$51,544 87

1860.—April 7th.

WILLIAM BAKER, Mayor.

Councilmen—Z. H. Cook, 1st Ward; John J. Chandler, 2nd ward; Philip Decker, 3rd ward; J. G. Sauer, 4th ward; John Bischman, 5th ward; Joseph J. Reitz, 6th ward; Henry L. Dannetell, 7th ward; John H. Roelker, 8th ward; George Foster, 9th ward.

Patrick Burke, Clerk; John W. Henson, Marcus Sherwood, and Wm. Dean, Assessors; Soren Sorenson, Treasurer; Christian Hedderich, Collector; Conrad Baker, Attorney; E. S. Martin, Marshal; James D. Saun-

ders, Surveyor; P. G. O'Riley, Wharf-master; John Smith, Street Commissioner; H. Q. Wheeler, P. Hornbrook and Carl Schmidt, School Trustees.

**Value of property assessed for 1860 :**

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$1,868,320	\$974,685	\$1,668,065	\$4,511,070
Lamasco.....	798,080	320,385	290,240	1,408,705
<b>Grand total.....</b>				<b>\$5,919,775</b>

**Amount of taxes assessed for 1860 :**

	City Tax.	Railroad Tax.	Total.
Evansville .....	\$35,665 72	\$18,092 80	\$53,758 52
Lamasco.....	12,185 89		12,185 89
<b>Total Evansville and Lamasco.....</b>			<b>\$65,944 41</b>

1861.—April 6th.

**WILLIAM BAKER, Mayor,**

Councilmen—William Hunnel, 1st ward; John J. Chandler, 2nd ward; Robert Fergus, 3rd ward; E. Q. Smith, 4th ward; John Hedderich, 5th ward; Christian Miller, 6th ward; William H. Klusman, 7th ward; John A. Haney, 8th ward; Michael Muentzer, 9th ward.

Patrick Burke, Clerk; William Dean, Adrian Young and Marcus Sherwood, Assessors; Soren Sorenson, Treasurer; Christian Hedderich, Collector; E. S Martin, Marshal; James D. Saunders, Surveyor; Z. H. Cook and Chester O. Davis, Wharf-masters; John Smith, Street Commissioner; H. Q. Wheeler, Trustee; W. Baker, Superintendent of Public Schools.

**Value of property assessed for 1861 :**

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$1,790,120	\$1,020,775	\$1,219,485	\$4,030,380
Lamasco.....	741,960	359,875	253,455	1,355,295
<b>Grand total.....</b>				<b>\$5,385,675</b>

**Amount of taxes assessed for 1861 :**

	City Tax.	Railroad Tax.	Total.
Evansville.....	\$25,991 28	\$8,060 76	\$34,052 04
Lamasco.....	9,923 77		9,923 77
<b>Total Evansville and Lamasco.....</b>			<b>\$43,975 81</b>

1862.—April 12th.

**WILLIAM BAKER, Mayor.**

Councilmen—William Hunnel, 1st ward; Joseph

P. Elliott, 2nd ward; Robert Fergus, 3rd ward; Jonathan Newman, 4th ward; John Hedderich, 5th ward; Rudolph Kehr, 6th ward; Marcus L. Johnson, 7th ward; John H. Roelker, 8th ward; William Mills, 9th ward.

Patrick Burke, Clerk; William Dean, Marcus Sherwood and Z. M. P. Carter, Assessors; Anthony Behm, Treasurer; Joseph J. Reitz, Collector; E. S. Martin, Marshal; Henry Mursinna, Surveyor; J. T. Cox and F. M. Humphrey, Wharf-masters; John Vogel, Street Commissioner; H. Q. Wheeler, Trustee, and W. Baker, Superintendent of Public Schools.

**Value of property assessed in 1862:**

	Lots.	Improvements.	Personals.	Total.
Evansville .....	\$1,857,465	\$1,173,515	\$1,302,515	\$4,333,495
Lamasco .....	763,255	404,975	198,400	1,366,630
Grand total.....				\$5,700,125

**Amount of taxes assessed for 1862:**

	City tax.	Railroad tax.	Total.
Evansville.....	\$32,345 19	\$27,859 96	\$60,205 15
Lamasco .....	11,196 06	6,106 04	17,302 10
Total Evansville and Lamasco.....			\$77,507 25

1863.—April 11th.

**WILLIAM BAKER, Mayor.**

Councilmen—William Dean, 1st ward; Joseph P. Elliott, 2nd ward; J. A. Birkenbush, 3rd ward; Jonathan Newman, 4th ward; Henry Schmutte, 5th ward; Joseph Overell, 6th ward; Adolph Hoelscher, 7th ward; Frederick W. Cook, 8th ward; William Mills, 9th ward.

Adolph Pfafflin, Clerk; William H. Walker, John W. Green, and J. M. Gleichman, Assessors; James Davidson, Treasurer; Wm. G. Boepple, Collector; Hiram Nelson, Marshal; James D. Saunders, Surveyor; Chester O. Davis and A. Tenvoorde, Wharf-masters; John Vogel, Street Commissioner; H. Q. Wheeler, Trustee, and W. Baker, Superintendent of Public Schools.

## Value of property assessed for 1863:

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$2,135,950	\$1,300,020	\$2,497,690	\$5,933,660
Lamasco.....	806,815	444,885	371,490	1,623,190
Grand total.....				\$7,556,850

## Amount of taxes assessed for 1863:

	City tax.	Railroad tax.	Total.
Evansville.....	\$4,8623 98	\$29,518 56	\$68,142 54
Lamasco .....	12,801 77	7,510 20	20,311 97
Total Evansville and Lamasco.....			\$88,454 51

1864.—April 8th.

WILLIAM BAKER, Mayor.

Councilmen—William Dean, 1st ward; Samuel M. Archer, 2nd ward; G. H. Schmits, 3rd ward; Willard Carpenter, 4th ward; John Hedderich, 5th ward; Joseph J. Reitz, 6th ward; A. G. Sullivan, 7th ward; Frederick W. Cook,\* 8th ward; William Mills, 9th ward.

\*January 2, 1865.—John H. Roelker, elected Councilman of the 8th ward, in the room of F. W. Cook, resigned.

Adolph Pfafflin, Clerk; John Schubert, John G. Paine, and William Warren, Jr., Assessors; James Davidson, Treasurer; William G. Boepple, Collector; Anthony Tenvoorde, Marshal; A. T. Whittiesey, Surveyor; Jonathan Newman and Frank Morris, Wharf-masters; A. Kirkpatrick, Street Commissioner; H. Q. Wheeler, Trustee, and W. Baker, Superintendent of Public Schools.

## Value of property assessed for 1864:

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$2,587,745	\$1,634,225	\$3,233,735	\$7,455,705
Lamasco .....	789,500	534,605	445,170	1,769,275
Grand total.....				\$9,224,980

## Amount of taxes assessed for 1864:

	City tax.	Railroad tax.	Total.
Evansville.....	\$59,012 29	\$15,900 36	\$74,912 65
Lamasco.....	15,865 89	2,648 21	18,514 10
Grand total....			\$93,426 75

1865.—April 11th.

WILLIAM BAKER, Mayor.

Councilmen—William Dean, 1st ward; Isaac Casselberry, 2nd ward; Samuel Orr, 3rd ward; William Heilman, 4th ward; Anton Helbling, 5th ward; Jacob Showener, 6th ward; Henry Feldhacker, 7th ward; William G. Boepple, 8th ward; Wm. J. P. Mills, 9th ward.

Alfred M. McGriff, Clerk; Henry Habenicht, Philip Euler, Jr., and Herman Junker, Assessors; James Davidson, Treasurer; John Schubert, Collector; Anthony Tenvoorde, Marshal; A. T. Whittlesey, Surveyor; William Green and Philip Klein, Wharf-masters; A. Kirkpatrick, Street Commissioner; Asa Iglehart, Isaac Casselberry, and Emil Bischof, Trustees, and E. J. Rice, Superintendent of Public Schools.

Value of property assessed for 1865:

	Lots.	Improvements.	Personals.	Total.
Evansville.....	\$3,318,945	\$1,842,295	\$4,117,635	\$9,278,875
Lamasco .....	814,900	614,385	459,120	1,888,405
<hr/>				
Grand total.....				\$11,167,280

Amount of taxes assessed for 1865:

	City tax.	Railroad tax.	Total.
Evansville .....	\$73,218 58	\$28,358 82	\$101,577 40
Lamasco .....	17,163 15	1,429 36	18,592 51
<hr/>			
Grand total.....			\$120,169 91

1866.—April 9th.

WILLIAM BAKER, Mayor.

Councilmen—William Hunnel, 1st ward; William Dean, 2nd ward; Wm. J. P. Mills, 3rd ward; John C. Smith, 4th ward; William Heilman, 5th ward; Joseph J. Reitz, 6th ward; John Miller, 7th ward; James W. Wiltshire, 8th ward; John Torrance, 9th ward.

A. M. McGriff, Clerk; Philip Euler, Jr., Wm. Warren, Jr., and James L. Dunning, Assessors; S. K. Leavitt, Treasurer; John Schubert, Collector; Anthony Tenvoorde, Marshal; A. T. Whittlesey, Surveyor; Hiram Nelson, Recorder; William Green and

Philip Klein, Wharf-masters; Asa Iglehart, Emil Bischof, and Isaac Casselberry, Trustees, and E. J. Rice, Superintendent of Public Schools.

Board of Health—George B. Walker, M.D., President; Madison J. Bray, M.D.; Oscar Kress, M.D.; Isaac Casselberry, M.D., Secretary; W. Baker, ex. of.

Value of property assessed for 1866:

	Real estate.	Personals.	Total.
Evansville .....	\$7,710,725	\$5,010,810	\$12,721,535
Lamasco .....	2,130,950	552,110	2,583,110
Grand total.....			\$15,304,645

Number of polls—1866:

Evansville.....	2,066
Lamasco.....	1,190
Total.....	3,256

1867.—April 8th.

WILLIAM BAKER, Mayor.

Councilmen—Jacob H. Miller, 1st ward; William Dean, 2nd ward; M. Muehlhausen, 3rd ward; Fred. W. Cook, 4th ward; William Heilman, 5th ward; Joseph J. Reitz, 6th ward; William Kolle, 7th ward; James Wiltshire, 8th ward; John Kraft, 9th ward.

A. M. McGriff, Clerk; Robert Rowland, Philip Euler, Jr., and Samuel Wittenbach, Assessors; S. K. Leavitt, Treasurer; William G. Hazelrigg, Collector; Philip Klein, Marshal; Charles B. Bateman, Surveyor; Hiram Nelson, Recorder; Wm. A. Daugherty and Wm. W. Williams, Wharf-masters; Asa Iglehart, John W. Foster and Isadore Esslinger, Trustees, and Charles H. Butterfield, Superintendent of Public Schools.

Value of property assessed for 1867:

	Real estate.	Personals.	Total.
Evansville.....	\$8,875,570	\$4,012,765	\$12,888,335
Lamasco.....	2,254,130	643,053	2,897,220
Grand total.....			\$15,785,555

Number of polls—1867:

Evansville.....	2,558
Lamasco .....	1,790
Total.....	4,348

1868.—April 15th.

**WILLIAM H. WALKER, Mayor.**

Councilmen—H. E. Blemker, 1st ward; James Steele, 2nd ward; Samuel L. Jones, 3rd ward; Henry Stockfleth, 4th ward; Henry Schriber, 5th ward; John A. Reitz, 6th ward; William Kolle, 7th ward; John H. Roelker, 8th ward; Henry Mesker, 9th ward.

A. M. McGriff, Clerk; Paul Dennison, Thomas McKeever, and Jonathan Newman, Assessors; John D. Roche, Treasurer; T. J. Gavisk, Collector; Nathan Willard, Recorder; James D. Saunders, Surveyor; Edward S. Martin, Marshal; Charles Lauenstein, W. F. Parrett, and H. W. Cloud, Trustees, and A. M. Gow, Superintendent of Public Schools.

Value of property assessed for 1868 :

Real estate.	Improvements.	Personals.	Total.
\$5,849,283	\$3,800,825	\$3,399,829	\$13,099,937

1869.—April 12th.

**WILLIAM H. WALKER, Mayor.**

Councilmen—Albert Steinbach, 1st ward; John S. Hopkins, 2nd ward; Peter Semonin, 3rd ward; Samuel Orr, 4th ward; Michael Stumpf, 5th ward; John Hodson, 6th ward; R. W. Steineker, 7th ward; James Wiltshire, 8th ward; Charles W. Doughty, 9th ward.

A. M. McGriff, Clerk; Samuel Wittenbach, Otto Pfafflin and John W. Collins, Assessors; Saunders B. Sansom, Treasurer; John Greek, Collector; Nathan Willard, Recorder; James D. Saunders, Surveyor; Christian Wunderlich, Marshal; Samuel P. Havlin and Phy. D. Viets, Wharf-masters; Charles Lauenstein, W. F. Parrett, and H. W. Cloud, Trustees, and A. M. Gow, Superintendent of Public Schools.

Value of property assessed for 1869 :

Real estate.	Personals.	Total.
Evansville.....\$10,702,810	\$3,201,365	\$13,904,175
Lamasco..... 2,379,720	637,345	3,017,065
Grand total.....		\$16,921,240

1870.—April 11th.

WILLIAM H. WALKER, Mayor.\*

Councilmen—August Elles, 1st ward; E. G. Van Riper, 2nd ward; M. Muehlhausen, 3rd ward; Henry Richardt, 4th ward; Willard Carpenter, 5th ward; Charles Schaum, 6th ward; Thomas Kerth, 7th ward; William Heilman,† 8th ward; Chas. W. Doughty, 9th ward.

\*On the death of Mayor Walker, E. G. Van Riper was appointed by the Council Mayor *ad interim*, and served until November 12th, 1870, when William Baker was elected at a special election.

†Wm. Rahm, Jr., was elected January 10th, 1871, in place of Wm. Heilman, resigned.

William Helder, Clerk; W. H. Elmendorf, Otto Pfafflin and C. C. Schreeder, Assessors; Samuel Bacharach, Treasurer; Wm. Maynard, Collector; Nathan Willard, Recorder; James D. Saunders, Surveyor; Christian Wunderlich, Marshal; John O'Meara and James S. England, Wharf-masters; Charles Lauenstein, W. F. Parrett and H. W. Cloud, Trustees, and A. M. Gow, Superintendent of Public Schools; Chas. W. Doughty, Superintendent of Water-works.

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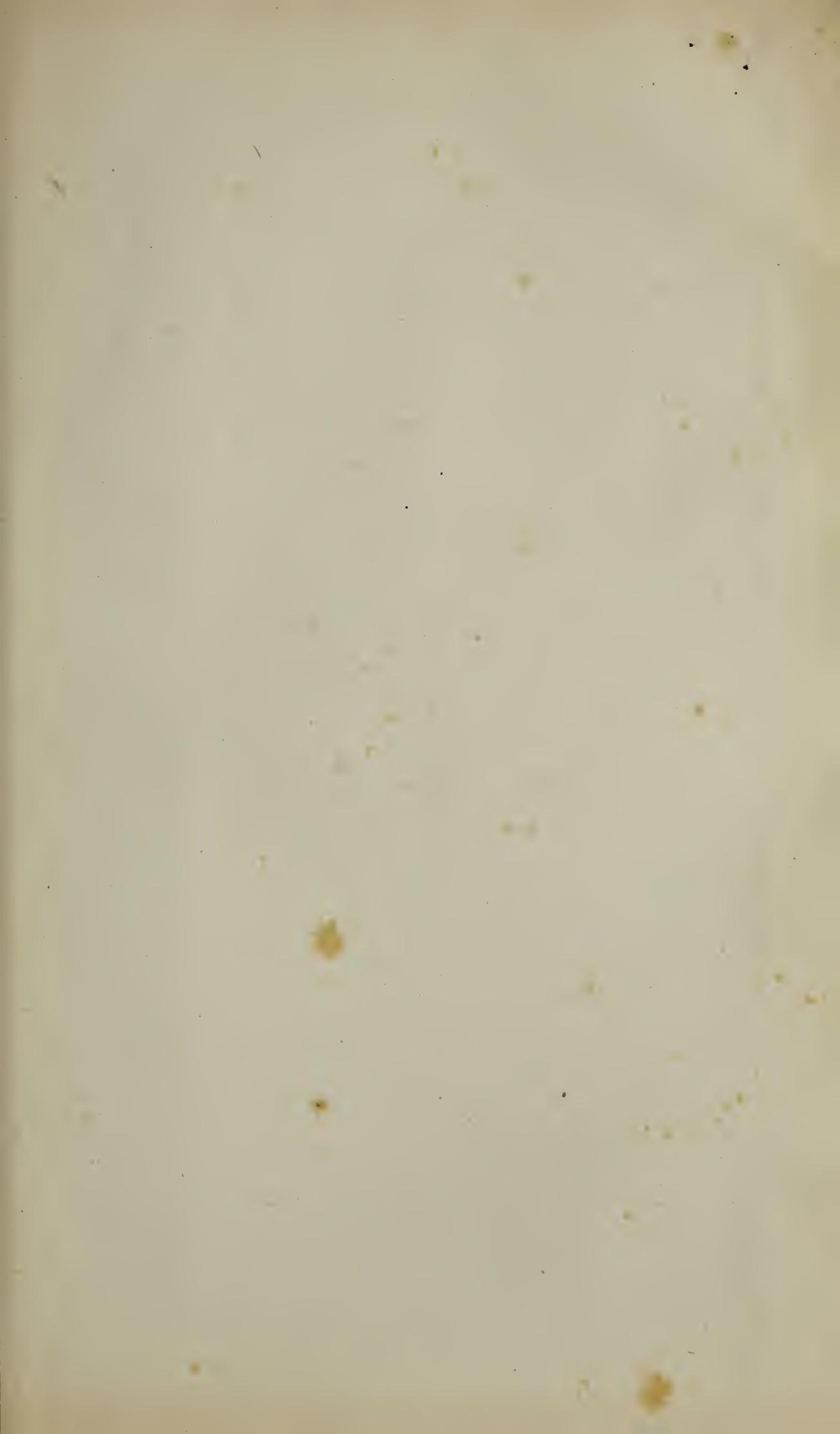
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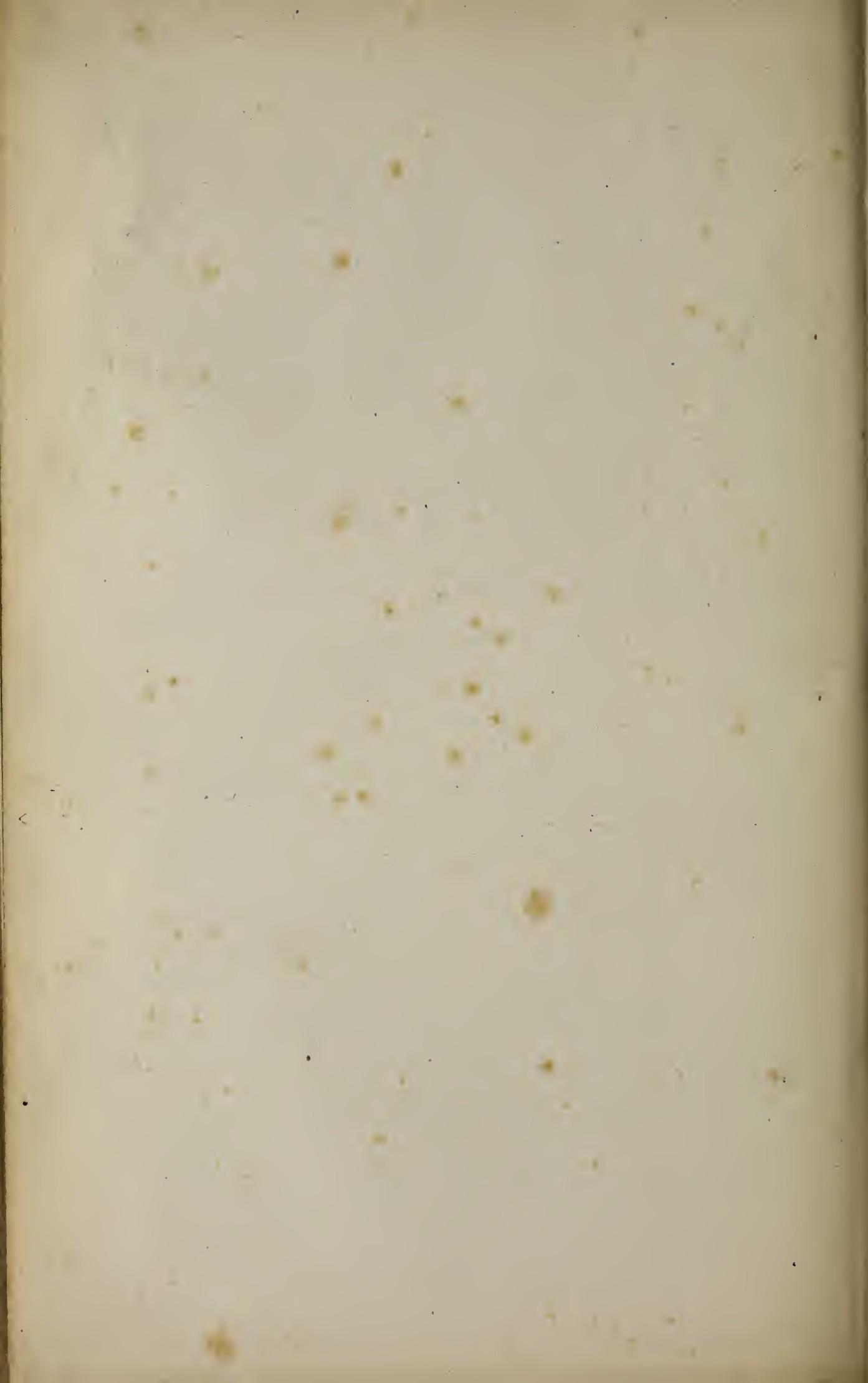
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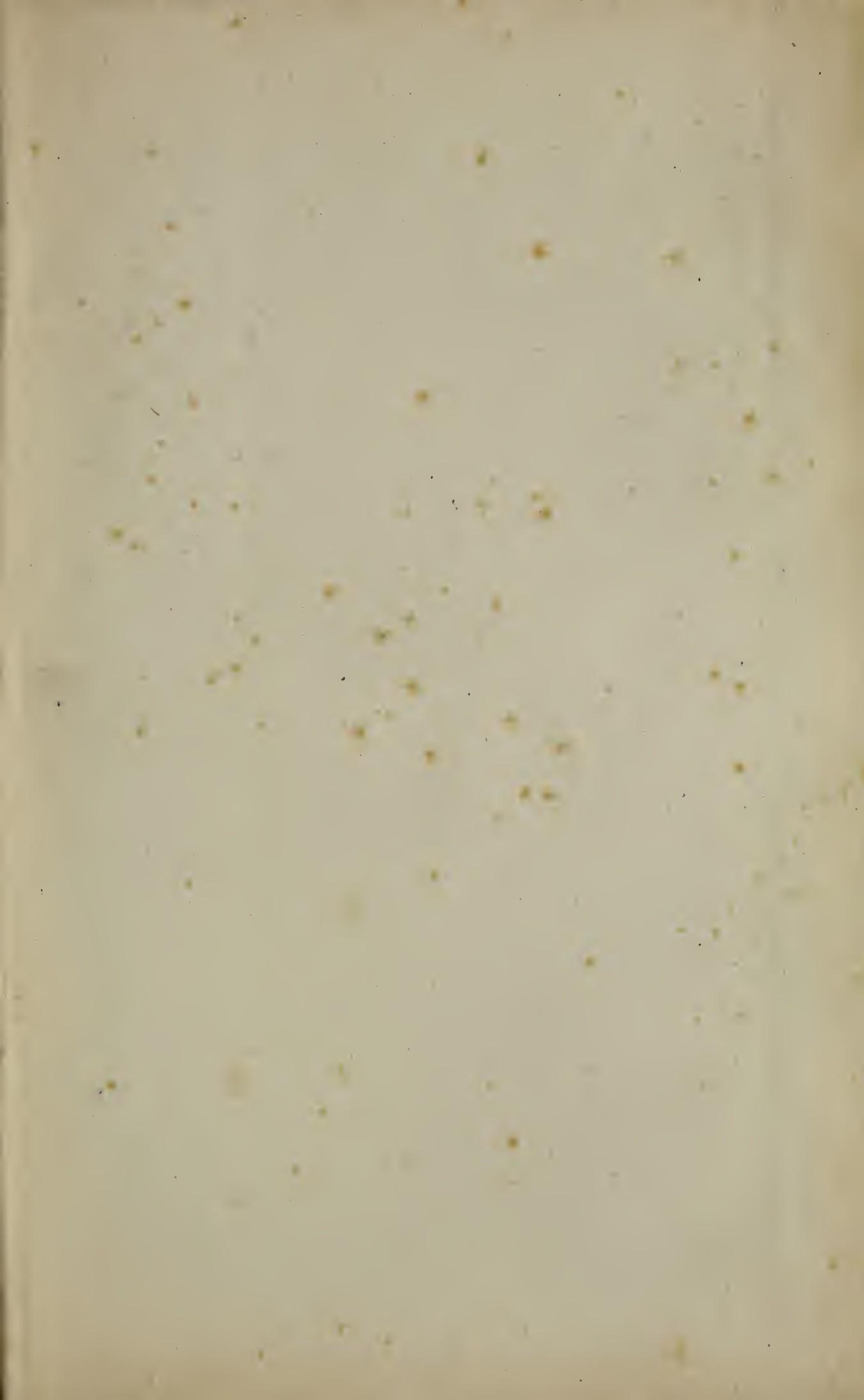
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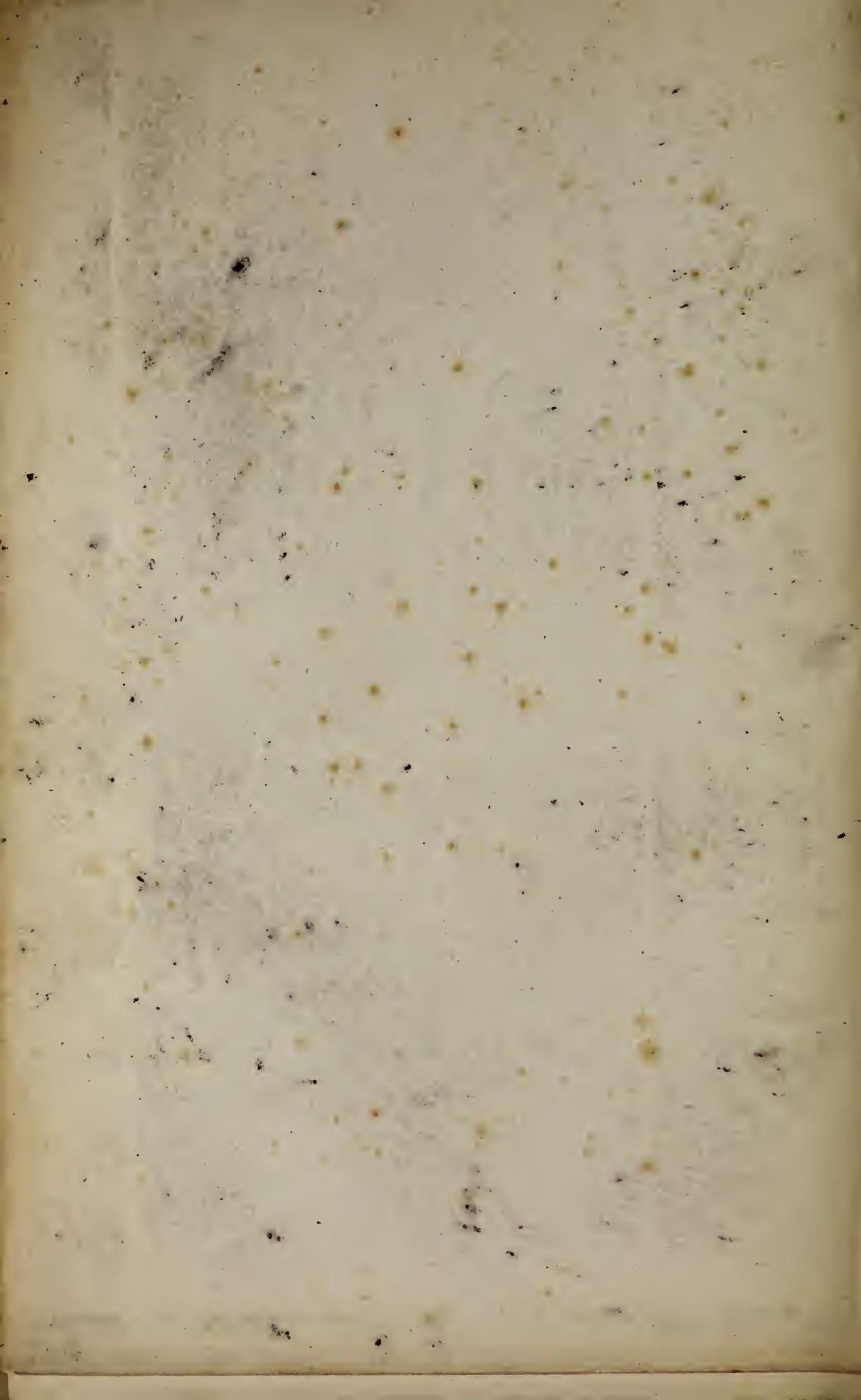
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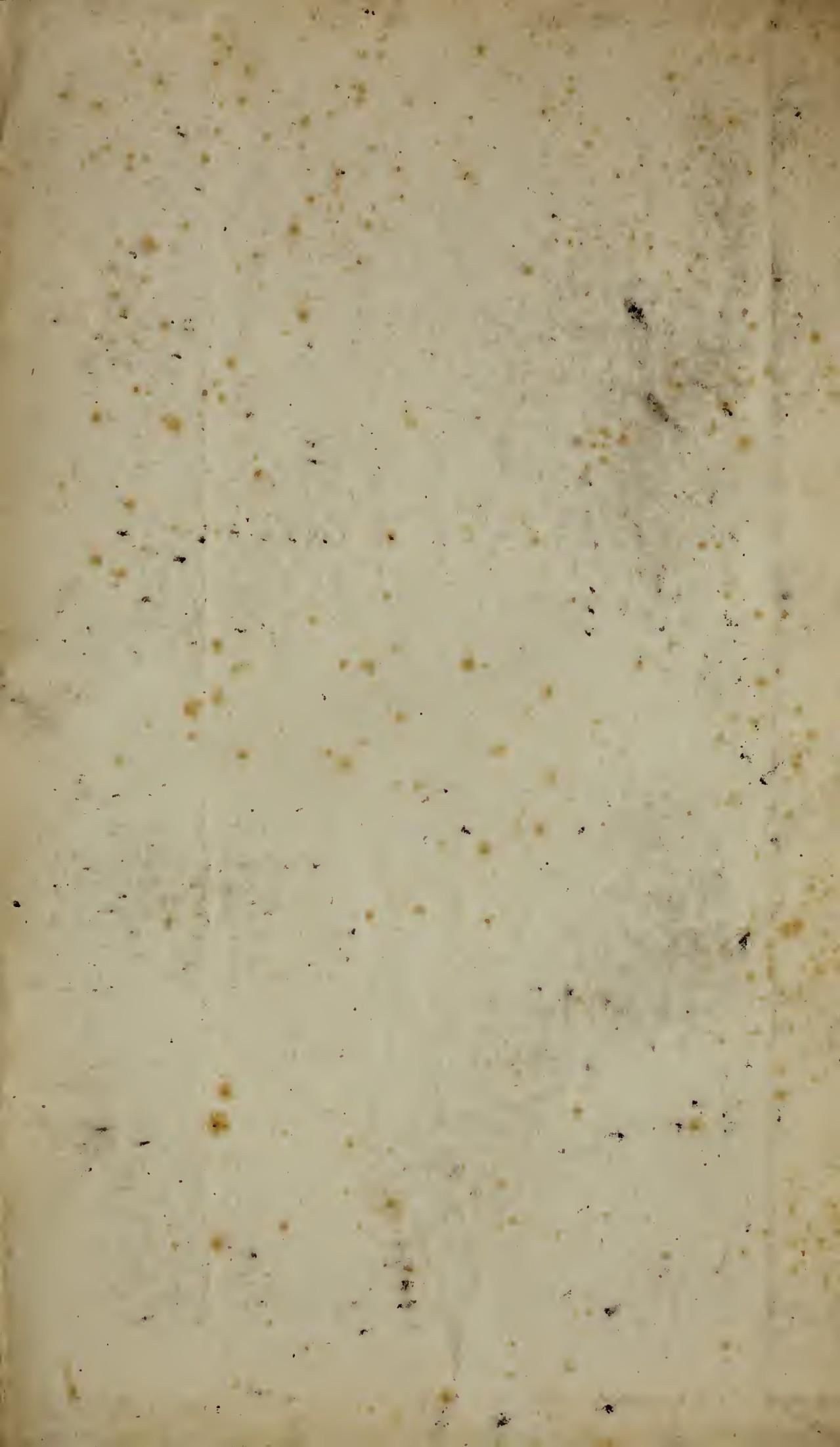
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